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Canada Royal Commission on
pilots
Hearings 1964
nos 137-139

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ROYAL COMMISSION

ON

55
PILOTAGE

HEARINGS

HELD AT

Toronto

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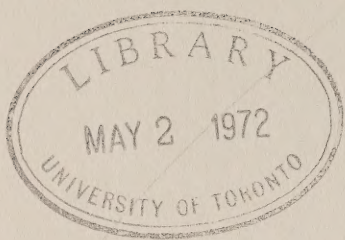
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Thursday,
the 18th day of June, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. Colin Mason	for the Dominion Marine Association



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H. COLLEY, recalled

DIRECT EXAMINATION BY MR. BRISSET: (Continued)

Q At the adjournment yesterday we had reached recommendation No. 4, and I would like now to refer to Part B of this recommendation on page 81 which reads:

"For the area within the Canadian sphere of influence that is from Eisenhower Lock to the western end of the Welland Canal, it is recommended that the local committee be composed of the supervisor of pilots with head office at Cornwall with, as advisors, a representative of the St. Lawrence Seaway Authority and a representative of the St. Lawrence Seaway Development Corporation."

Now, Mr. Colley, keeping in mind that of course you contemplate that this local committee will be under the over-all jurisdiction of the central Board of Pilotage Commissioners for Canada referred to in the main brief of the Shipping Federation, I would like you to explain to the Commission your reasons for the recommendation that the local committee include as part of this local committee the Seaway Authority or representative of the Seaway Authority on both sides.

A We think it is a very natural development. The Seaway Authority, both the American



1 and Canadian entities, are very much concerned with
2 traffic through those systems, and procedures for
3 navigating, and I think the Commission already has
4 considerable evidence from the people concerned, that
5 is the Seaway people, on this very topic.

6 I think it is most natural that the
7 two, that is the pilotage service and the Seaway people,
8 should blend their operations as much as possible, and
9 there is also a greater incentive I think on the part
10 of the Seaway people to see that the best use is made
11 of the pilotage service and that it be conducted in
12 the most efficient way.

13 Q Now, Mr. Colley, under the present
14 system it does not appear that the Seaway Authority
15 has any word to say in the conduct of pilotage in the
16 Seaway system itself even though the Seaway Authority
17 has control of traffic in that area. You are aware,
18 are you not, that quite frequently emergency situ-
19 ations develop in the Seaway either in the lower
20 portion or in the Welland Canal in that there is con-
21 gestion.

22 Keeping in mind that there is at
23 the moment dual authority over pilots, particularly
24 in the Port Weller/Sarnia District, which includes
25 the Welland Canal, could you illustrate what con-
26 sequences could flow or do flow from this dual
27 authority which includes dual dispatching? For in-
28 stance, in the present emergency which I understand
29 has developed in the Welland Canal.
30



1
2 A Yes. I think that is a rather good
3 example. There is somewhat of an emergency situation
4 existing at the Welland Canal now. I must say that
5 throughout most of this season there have been delays
6 in the Welland Canal of varying degrees, but at the
7 moment there is quite a lot of congestion.

8 There is traffic anchored at both
9 ends of the Canal waiting to go through. This is a
10 traffic volume problem. The Canal can only handle so
11 many ships, and beyond that they simply have to wait.

12 However, on occasion it becomes a
13 combination of both traffic volume and pilots. There
14 was the one case that occurred yesterday that a vessel
15 that was already within the Canal area and ready to pro-
16 ceed on her way could not do so because there was no
17 pilot available. Now, on one hand you might understand
18 that of the body of pilots, many of them are already
19 tied up on ships that are at anchor not going anywhere,
20 but upon investigating at the other end of the district,
21 Port Huron, we find that they had a surplus of pilots.
22 There were not aware that there was any shortage of
23 pilots at this end.

24 In other words, there was something
25 of a lack of co-ordination between the two. In fair-
26 ness I also must say that at Port Huron they had E.T.A.s
27 from downbound vessels which would require the use of
28 all of these six pilots by some time late this afternoon.
29 In other words, they had anticipated that each of these
30 pilots would be allocated to a specific downbound vessel.



1 But then one might question whether this is the proper
2 procedure. In other words, we have one ship that is
3 stopped upbound that could use a pilot right now ef-
4 fectively. Now, for the vessels that are downbound,
5 they find that they allocate pilots that are available,
6 but is it going to be effective?

7 In other words, of the ships that
8 are coming downbound, some undoubtedly will end up at
9 anchorage at Port Colborne. They will get no further.
10 So I think somewhere there should be a central control
11 that can say of the pilots that are available at this
12 moment they can be effectively used for A ship that is
13 proceeding in this direction, whereas it will not be to
14 any avail if we use a pilot on ship B that is going to
15 be strung up in any case at one end of the canal.

16 MR. JACQUES: Do you know if this
17 surplus of pilots at Port Huron had had the 12-hour rest
18 period?

19 THE WITNESS: The pilots at Port
20 Huron?

21 MR. JACQUES: Yes.

22 THE WITNESS: Well, the pilots at
23 Port Huron presumably would be American or largely
24 American. I don't know the make-up, but assuming they
25 were American, this would not be a problem.

26 MR. JACQUES: Why?

27 THE WITNESS: They don't have the
28 same system as the Canadians.

29 MR. JACQUES: They don't have the
30



1 12-hour rest period?

2
3 THE WITNESS: They don't have to have
4 any obligatory rest period. I believe that in the work-
5 ing rules there is an objective to have a rest period,
6 but I do not think it is in the same nature as the
7 Canadian rule which is -- how should I describe it? --
8 it is more hard and fast. It is more flexible. In
9 fact I think this is another one of the problems dis-
10 played by this situation where you have an emergency,
11 a shortage of pilots, and vessels are stopped thereby.

12 I cannot really understand why these
13 rules for the Canadian pilots would not be temporarily
14 waived. After all, it is an emergency situation, and
15 is it that important that they get their automatic
16 coffee break or time off right now, or could that not
17 be deferred to a more opportune time?

18 MR. JACQUES: Surely you as a ship-
19 owner would think twice about calling a pilot from Port
20 Huron back to, let us say, Port Weller, a pilot who has
21 just got off a ship, and put him on a ship again and
22 have to be eight or seven hours on the bridge through
23 the Canal.

24 THE WITNESS: It is not necessarily
25 the case that the pilots who are available in Port
26 Huron have just got off ships. That is not necessarily
27 the case. They may have been waiting there. They may
28 have been there for days.

29 MR. JACQUES: But it could be the
30 case also?



Colley, Dr Ex
(Brisset)

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THE WITNESS: It could be the case.

It could be either way, but in all this the remarkable thing is at the Port Weller end they were not aware there was a surplus of pilots at the other end, nor had they advised the other dispatching office that there was a shortage at this end. The two were not acting together.

MR. BRISSET: Q While speaking of working rules, it is in evidence before this Commission on the Canadian side, for instance, Canadian pilots have to be allotted three days' leave per month. Is that one of the rules which in your opinion could possibly be waived during an emergency period, letting the pilot off at a slack time, say six days instead of three, a week later or ten days later.

MR. LALONDE: In January, for instance.

THE WITNESS: Yes, or even in December. I would think that would be the logical thing. You couldn't continue such a system indefinitely. The pilots would require some time off.

Q But isn't it a fact at certain periods during the season there are slack times?

A Yes, and peak times. Exactly.

Q Peak times and slack times?

A Exactly.

MR. LALONDE: I would like to note here that the statements by the witness concerning the rules about the 12-hour rest period would not appear to



1 be correct. There has been tabled with this Commission
2 joint dispatching rules, and the rules are identical
3 at both ends for Canadians and Americans.

4 Q Coming back to the working rules
5 again, we are all aware that it is now the practice to
6 change over pilots at Lock No. 7. Would you consider
7 that in the case of an emergency that rule should be
8 waived for a short period until the emergency is over?

9 A Yes. That would certainly help
10 the situation. It would make available pilots go a
11 little farther. That is to say, it would provide more
12 service to more ships if that were done.

13 Q You are aware, Mr. Colley, that the
14 pilots have stated before this Commission that they
15 are professionals, and consider themselves as profession-
16 als, like doctors and so forth. Are you aware that
17 doctors do at times waive their eight hours sleep if
18 a patient is in danger and in an emergency?

19 A I would think that is the case, yes.

20 Q Do you think there would be, in your
21 opinion, a better chance of dealing with an emergency
22 if there were a single dispatching authority and a
23 single control?

24 A Undoubtedly there would be. I
25 should emphasize here that this situation that I have
26 described certainly is not the fault of any individual
27 concern. I think it is the system. Those involved
28 are doing the best under existing circumstances, but
29 the system does not provide any incentive for taking
30



1 the initiative on co-ordinating those affairs.

2 I think also I might explain, the
3 question was raised as to whether or not if there was
4 a shortage of pilots could the vessel not proceed with
5 a waiver. Well, the dispatcher explained he had no
6 authority for that. It seems that there are different
7 grades of dispatchers depending what the shift is, and
8 some presumably have more authority than others. This
9 does not seem quite right.

10 Also it was apparent that action in
11 respect to a waiver would only be taken if the vessel
12 applied. In other words, the pilotage office, being
13 the first one to know of a shortage and what the anti-
14 cipated forward picture would be, would not themselves
15 take the initiative, and contact the ship and say
16 "Look, you won't get a pilot for 24 hours." or a
17 certain period of time. "Would you be prepared to go
18 on your own?"

19 It is not done that way. It is the
20 other way around. The ship has to take the initiative.
21 Unless they do, nothing is done. I also question
22 whether that is entirely in the best interests of all
23 concerned.

24 Q Mr. Colley, you have already dealt
25 in your previous evidence with the Ports of Toronto and
26 Hamilton and the constitution of a pilotage system
27 there as well as in the twin ports of Port Arthur and
28 Fort William, and unless you have any further comments
29 to add on this topic we will pass on to the following
30



1 recommendation. Have you anything to add?

2 A No. I think our previous testimony
3 is complete in that regard.

4 Q Mr. Colley, I want now to pass to
5 recommendation No. 5 which reads "That representatives
6 of the shipping interests be permitted to attend meet-
7 ings held between officials of the United States Great
8 Lakes Pilotage Administration and of the Canadian
9 Government."

10 I would like you to explain to us
11 why this recommendation is made and what is the pro-
12 cedure or practice at present or within the last few
13 months?

14 A Well, I should go back in history
15 really even prior to the formation of the U.S. Ad-
16 ministration. The early negotiations for pilotage
17 laws in Canada and the States were conducted on a high
18 level, that is, the State Department level or Foreign
19 Affairs on our side, and we were not consulted. We
20 didn't know what was going on. In the initial stages
21 perhaps there is a good sound policy or political
22 reasons why that must be the case, but this seemed to
23 carry over when the U.S. Pilotage Administration was
24 set up, and obviously there were many problems to be
25 solved between the two respective authorities; that is,
26 the Department of Transport and the U.S. Pilotage
27 Administration. We felt that perhaps we could assist
28 and play a part in this if we were consulted, and
29 certainly in the early days this is not the case.
30



Colley, Dr Ex
(Brisset)

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1 We would be advised of decisions
2 or proposals only after the event. Mind you, I should
3 also explain that as I am sure the Commission is aware
4 on the American side any changes in the regulations are
5 always subject to public hearing, so from that point of
6 view we did become aware of proposed changes, and it
7 was also a fact that in many cases the changes which
8 are proposed on the American side are not being proposed
9 on the Canadian. That is, it is not a joint proposal.

10 The proposals do not necessarily
11 have the endorsement of the Department, nor are the
12 departments seeking such changes.

13 Now, as we have gone along, we have
14 raised this question of trying to bring the three bodies
15 together, to consult on various problems, and in fact
16 we have done this recently. We have had a joint meet-
17 ing last December I believe it was, and I think we have
18 had another joint meeting since then. This is quite
19 on an unofficial basis, but with a representative of
20 the Department and a representative from Washington
21 sitting down with us and talking about problems in
22 general.

23 We think this is a good procedure,
24 and certainly can speed up the solution to a lot of
25 problems. Our point here is merely that we would like
26 to see this become more of an established fact rather
27 than just a haphazard affair, and in the interim between
28 those meetings that we should be advised of any proposed
29 changes that either side contemplates taking.
30



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Colley, Dr Ex
(Brisset)

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Q Now, Mr. Colley, you have pointed out to us that on the United States side if changes were contemplated in the regulations there would be a public notice given and hearings called. Has there been a practice that has now developed as a result of which if for instance the shipping industry and the pilots agreed on some procedure the regulations will be amended accordingly -- if the change has the approval of the authority without recourse to public hearings?

A Now, again you are talking of the American side?

Q Yes.

A There had been an indication that that would be the desirable procedure, but I think technically or legally it cannot be done if anyone questions it. If I can give an example, last season we went through an exercise like this where the pilotage group and the Shipping Federation and the Department of Transport and Washington, we all got together and more or less agreed on some corrective measures. At that time the administrator in Washington thought that that would be sufficient to enact the desired changes. But objections were taken by some bodies and the net result of that was that he was forced to announce public hearings on a given date and they had to go through the formality.

I do not think anyone actually attended those public hearings in due course. We did not. We simply confirmed what we had already agreed



1 to and as far as I am aware no one put in an appear-
2 ance, but various bodies might have submitted state-
3 ments -- letters or telegrams -- as a result of this
4 going through the proper protocol and changes were then
5 made.

6 Have I answered your question?

7 Q Yes. There has been filed yester-
8 day, I believe, before this Commission a change in the
9 American regulations respecting the employment of
10 temporary pilots in open waters during peak periods.
11 I was left under the impression that there have been
12 no public hearings in this regard but that this had
13 been done by the consent or at the suggestion of the
14 shipping interest and the pilots. Am I right or wrong
15 in this assumption?

16 A Well, you are asking me a technical
17 or a legal question. I do not really know the answer.
18 I can confirm, yes, that we have discussed this
19 problem. We know about it and we have made certain
20 recommendations, but the fact that they are now
21 published without a public hearing, if this is technical-
22 ly and legally correct or if it falls within a cate-
23 gory that the administrator has discretion on, I really
24 could not say.

25 Q But at all events, I understand
26 that there were no public hearings in connection with
27 this change in the regulations; is that a fact?

28 A I do not believe that was one of
29 the topics at the last hearings. From memory I do not
30



1 recall that it was.

2 MR. BRISSET: Thank you, Mr. Colley.

3 THE CHAIRMAN: I think aside from
4 the pilots and the shipowners in the United States they
5 also considered a third party, being the public --
6 public interest. So even if the shipowners could
7 agree on something I think they would go to public
8 hearings just the same, just so that a third party
9 could say what he has to say.

10 MR. BRISSET: Q Now, Mr. Colley,
11 we have reached the end of the recommendations except
12 that you point out in your brief that all other recom-
13 mendations contained in the main brief of the Shipping
14 Federation are also made in respect of Great Lakes
15 Pilotage insofar as they can apply. The only question
16 I am going to ask you now is whether you have any
17 further comments to make before this Commission before
18 I close your evidence. Are there any other points
19 which you would like to make before this Board that
20 I may have forgotten?

21 A I think we have summed it up and
22 perhaps given the image or created the impression that
23 there is considerable confusion within the Lakes be-
24 cause of the system. And this is true. I think it
25 is remarkable that we have evolved as far as we have
26 under the circumstances. In other words, in the face
27 of some of our comments you might wonder how pilotage
28 works at all in the Lakes; but it does.

29 There is one point that I wanted to
30



1 clarify that we touched on yesterday, but I do not
2 think I emphasized or described the point that we were
3 getting at. Again in respect to District 2, which is
4 a complicated and a long district and involves dis-
5 patching on both sides, there has been this terrific
6 what we call wastage of pilots' time.

7
8 The pilots are sitting on board ship
9 in port and from the statistics that we have it is
10 rather obvious --

11 Q May I interrupt you? Perhaps we
12 should give right away for reference purposes the
13 number of the exhibit, statement of the detentions in
14 1962 and 1963 in District No. 3.

15 MR. JACQUES: 1275.

16 MR. BRISSET: Q As appears from
17 Exhibit 1275, to which you are referring now?

18 A Yes. This breaks down the hours
19 of pilots' time. That is under the heading of total
20 hours in designated waters (which is the actual
21 piloting), total hours in undesignated waters (that
22 is open water pilotage) and total hours detained.

23 The point that I wanted to parti-
24 cularly draw to the attention of the Commission was
25 that the total hours' actual piloting in designated
26 waters amounted to something over 27,000 hours -- al-
27 most 28,000 -- whereas the total hours detained amounts
28 to in excess of 33,000 hours.

29 Q That is in 1963?

30 A Yes.



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Q In other words, you have a considerable number of hours of detention in excess of actual hours of piloting?

A Yes, which I think clearly indicates that the best use is not being made of the pilots and the pilots' time. I do not think any pilot is particularly happy about this, even though he may be earning revenue, detention money, while he is tied up like this. I am sure that the average pilot would much sooner employ his time on piloting, for which he receives a greater remuneration, and then have clear time off. This is certainly the view that has been expressed to us.

One of the big problems of this detention is the time that these pilots spend in port. Detroit is a particularly bad example -- Detroit, Toledo and to a certain extent Cleveland. We have proposed now for two years that this situation should be corrected very rapidly if a hard and fast ruling were made that the moment a ship gets to port the pilot must leave the ship -- must consider his assignment is terminated and report to the District office; and that in turn the vessel, either the captain or the agent, must then file a new order for a pilot when that vessel is ready, but prior to the anticipated readiness for sailing.

This still has not been done and we find that on the administrative side both Ottawa and Washington, they still say: "No, that is a problem that



Colley, Dr Ex
(Brisset)

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1 is up to the agents. They should tell the pilot to get
2 off the ship." But in actual practice it does not work
3 that way and we do not think it ever will work that way
4 because until there is a proper system of providing
5 pilots when they are required you find -- and it is
6 human nature -- that on a given ship the agent or the
7 master is reluctant to let that pilot go because he is
8 not certain to get another one when he is ready to
9 sail. This situation just builds up and until there
10 is some confidence in it it cannot be altered.

11 I might say that this is a common
12 practice in the St. Lawrence Districts. When a vessel
13 finishes the assignment the pilot leaves the ship. If
14 the vessel comes into Montreal and has to anchor, even
15 for a short period of time, at Long Point before
16 docking, there is no question but the pilot must leave
17 the ship immediately and the agent must re-order when
18 that ship is ready to go even if he knows the ship is
19 going to sail in two hours.

20 It is our contention that this
21 simple rule would cut down on the detention very con-
22 siderably. It could in the initial stages raise a
23 few problems, and perhaps we will find pilots are not
24 always there when they are required, but at least the
25 incentive will then be on the dispatching office and
26 the administrators of pilotage to make sure that the
27 pilots are there.

28 If I might also just explain what
29 we are thinking of and how this would save pilots' time,
30



Colley, Dr Ex
(Brisset)

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1 maybe I am giving an extreme case, but there are a lot
2 of detentions in Detroit. If you have six ships in
3 Detroit at one time under the present system in most
4 cases you have six pilots on board tied up doing
5 nothing. This is not necessary. Surely half that
6 number of pilots could actually serve -- perhaps even
7 less -- from the point of view that we had Ship A
8 ready to sail at five o'clock this afternoon, but there
9 is another ship arriving this afternoon with a pilot.
10 Why not take the pilot off that ship and put him on
11 ship B? Instead of having all of the pilots sitting
12 in port there should be a better rotation on the flow
13 of the traffic in and out of the ports. I think that
14 really is the only point that I wanted to further
15 amplify.

16
17 THE CHAIRMAN: The difference between
18 Montreal, the Montreal River and here is, of course, a
19 question of distance. We have the same problem more
20 acute in British Columbia where the question of de-
21 tention is quite something there on account of the very
22 large distance -- about 600 miles -- of the district.
23 So therefore it is like places like Kittimat where they
24 would keep a pilot for three days because it would be
25 more economical if a move has to be made within two
26 days to keep the pilot there than to send him back by
27 plane. So it is a question of economy and also time
28 and we may meet this problem also here in the distances
29 of the Lakes.

30 THE WITNESS: But I think, My Lord,



1 you will find those conditions are not entirely
2 comparable. In the first place Detroit is not that
3 far from the dispatching office in Port Huron, which
4 would be the final recourse if the flow of traffic is
5 not adequate.

6 I think also that just by studying
7 patterns of traffic flow, say for the past season or
8 the current season, one could get a fairly good idea
9 of what is required under most circumstances. In other
10 words, should the rule be that we should endeavour to
11 have two pilots or three pilots in Detroit at all
12 times on standby, are there such fluctuations, such
13 peaks and valleys that this does not work? The ex-
14 perience is there. The pattern is there. I do not
15 think it would be too difficult to work out something
16 that would cut down quite a lot of this heavy detention
17 time that we are having now.

18 THE CHAIRMAN: In British Columbia
19 they have done that for the lower part of the district.
20 They have a pilot station at three places -- Victoria,
21 Vancouver and Nanaimo. And these shift from time to
22 time. There are more pilots in Vancouver now and
23 Victoria than before. The pattern is changing, so
24 they re-arranged it.

25 MR. JACQUES: They are all dis-
26 patched from the same office.

27 THE CHAIRMAN: They are all dis-
28 patched from Vancouver for the same district.

29 MR. JACQUES: And if my memory serves
30



1 me right there is a special tour-de-role for each of
2 these three places.

3 THE CHAIRMAN: That is right.

4 THE WITNESS: So it can be done.

5 MR. JACQUES: That might entail a
6 tour-de-role for Detroit for pilots then in Detroit
7 and so on.

8 THE CHAIRMAN: But all dispatching
9 from the same office with three tour-de-roles.

10 THE WITNESS: That is exactly what
11 we are recommending, My Lord -- one office.

12 MR. BRISSET: Q In other words,
13 you feel the fact that there are two dispatching offices
14 at Port Huron and at Port Weller has some influence on
15 the situation you have described?

16 A Undoubtedly, undoubtedly.

17 Q Now, if I may go back to the extreme
18 case of the six ships waiting at Detroit to come in
19 the harbour with six pilots on board, your suggestion
20 is or was that, say, three be released and the three
21 remaining do take those six ships in as the time comes?

22 A Exactly.

23 THE CHAIRMAN: Mr. Renwick was just
24 reminding me that there are three stations for the
25 pilots but four tour-de-roles, one for the northern
26 district also.

27 MR. JACQUES: That is right.

28 MR. BRISSET: Thank you.

29 THE CHAIRMAN: Are you ready for the
30



1 cross-examination of Mr. Colley?

2
3 CROSS-EXAMINATION BY MR. LALONDE:

4 Q Those meetings you had recently
5 with the Department of Transport and the Great Lakes
6 Pilotage Administration, have you given consideration
7 to inviting the pilots to attend these meetings?

8 A I think we would certainly do that
9 at any time that it is either feasible or there is a
10 problem concerning them. We have already, Mr. Lalonde,
11 if I am answering your question, been --

12 Q I do not think you are, but carry
13 on.

14 A We have been inviting the pilots as
15 much as possible to come and have meetings with us.
16 It is a bit of a problem in the Lakes, of course, be-
17 cause of the distances. In turn we have endeavoured to
18 go and see the pilots at their home bases.

19 Q I think that Captain Matheson
20 testified that you had not been able to establish con-
21 tacts with Canadian pilots in District 2 and District
22 No. 3; is that correct?

23 A District 2 in particular.

24 Q Did you meet the Canadian pilots in
25 District 3?

26 A No, I do not think we have ever met
27 them.

28 Q So that your contacts would have
29 been mainly with American pilots?
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A In District 3, yes.

Q And District 2?

A And District 2.

Q I would like to refer to your brief at page 76, if I may. You say in the paragraph at the bottom of the page:

"As far as the ocean interests can determine amongst pilots throughout the Great Lakes, with the possible exception of the American pilots in District No. 1, the conception would be readily and enthusiastically endorsed."

I think this is a question of the division of the district according to your recommendation No. 2. On the basis that you have not had contacts with Canadian pilots in District 2 and District 3 did you consult the Canadian pilots in District 1 as to this particular recommendation no. 2?

A We have not consulted them on any official basis or called meetings. We have talked to various pilots individually.

Q How many pilots would you have talked to individually?

A Well, if you could tell me how many have appeared at various American hearings that would probably be the number.

Q Well, how far back do you go on this? I mean, did you discuss these proposals last year with them or are you referring to the latest, to the Detroit hearing; is that it?



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(Lalonde)

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Q Referring to the latest Detroit hearing, is that it?

A That is one of them. Of course we have also met the pilot probably also at some of these hearings, some of the Canadian hearings.

Q You mean the American pilot here?

A The Canadian pilot.

Q They would be Canadian pilots in which district?

A Canadian pilots in District 1 you are talking about.

Q Have you found the Canadian pilots in District 1 would readily and enthusiastically endorse your proposal on this?

A I think they would be in favour of it, yes, on general principle.

Q That is on the basis of the conversation you had probably with one Canadian pilot here?

A No, I would not say one. I would say more than that.

Q I am submitting to you that at these hearings in Toronto there has not been more than one Canadian pilot from District 1, except maybe the Lake pilot.

A Well, possibly so; but you would also have to ask our other members in this regard because I am not the only one who has contact with pilots.

Q I submit to you that this question



1 was never discussed with the executive or the Board
2 of Directors of either the Canadian or American
3 association, between your organization and the pilots?
4

5 A On an official basis certainly not,
6 no.

7 Q On the whole would you say that the
8 Canadian Department of Transport has been pretty help-
9 ful in having a system on the Great Lakes which some-
10 what meets your requirements, or at least is more in
11 accordance with what you feel should be established
12 than what the American Government felt should be
13 established? Is my question clear?

14 A No, not quite.

15 Q I will repeat it in a different way.
16 Is it your view that the stand taken by the Canadian
17 Government on Great Lakes Pilotage was closer to yours
18 than the stand taken by the American Government?

19 A Could I sum that up? Do I think
20 that the Canadian system is closer to our views than
21 the American system?

22 Q No. We have the story before this
23 Commission of all these debates and negotiations with
24 the Canadian and American Government on what kind of
25 system should be established in the Great Lakes. Mr.
26 Brisset showed there were pressures in the United
27 States that you should have three pilots on all ships
28 all over the Lakes. Several Bills were introduced in
29 the Senate or the House of Representatives in the
30 States. You heard that?



1
2 A Yes.

3 Q Would you not say that if you look
4 over the whole history of that the part played by the
5 Canadian Government was important in the establishment
6 of a system which was closer to what you wanted to
7 have than what the American Government wanted to have?

8 A As compared to the original proposal,
9 the original Bill that the Coast Guard proposed the
10 Canadian Government certainly saved the day for us, I
11 would say.

12 MR. BRISSET: My Lord, I might
13 mention here that at the hearings before the Senate
14 when Bill 80 was considered I did make myself the
15 same statement that we owed a lot to the Canadian
16 Government and the efforts of the officers of the
17 Department of Transport in this regard at the time.

18 MR. LALONDE: Q And will you say
19 that the fact that the Lake Pilotage system was an
20 integrated system in the sense that both Governments
21 had a full say on the whole of the Great Lakes in that
22 respect helped your case?

23 A As distinct from what?

24 Q Well, as distinct from if the
25 Canadian Government had only been responsible for
26 dealing with Lake Ontario, for instance, and leaving
27 the rest to the Americans. Is it not a fact you might
28 have ended up with a system on Lake Ontario which
29 would have been unsatisfactory to you and with three
30 pilots on each ship --



1
2 A I am afraid that is a very hypo-
3 thetical question, Mr. Lalonde, because what you are
4 suggesting at least follows somewhat in line with our
5 pattern that there should be as far as possible separate
6 spheres of influence but if you are implying at the
7 same time on the American side they would have adhered
8 to their original proposals of course this is hypo-
9 thetical.

10 MR. BRISSET: My Lord, if I may
11 clear a point here, we did not contemplate when we
12 recommended different spheres of operation that there
13 be complete cleavage between the Americans and the
14 Canadians. On the contrary we still contemplate some
15 sort of arrangement between the two Governments for
16 the whole of the Lakes but at a very high level, not
17 on the basis of the operational level. I think that
18 still has to be because the waters are international
19 and in some cases American pilots would serve
20 Canadian ports and vice-versa, with the result that
21 there would be concessions by both sides. They would
22 to a certain extent give away their sovereignty in
23 certain parts.

24 MR. LALONDE: I am afraid my learned
25 friend will have very little to say in October or he
26 will be repeating himself.

27 Q I am showing you a copy of a chart,
28 Exhibit 1016, and I have taken pleasure in drawing in
29 blue -- in connection with our flag, I suppose, the
30 Canadian part and in red what under your plan would be



1 the American section. I know it is a hypothetical
2 question, but if you were an American would you favour
3 such a scheme?

4 A I don't understand your question.

5 Q If you were an American would you
6 favour such a scheme as the one proposed by you and
7 shown in this chart?

8 A By looking at the chart you mean as
9 an American I should not favour such a scheme -- I
10 really don't see what it has to do with whether I was
11 an American and would like it or not. If I were an
12 American I would want the most efficient pilotage
13 system available.

14 Q Now, when did you make your last
15 trip on the Great Lakes aboard a ship?

16 A Not since the first year of the
17 Seaway.

18 Q 1959; is that it?

19 A That is correct.

20 Q I think you said your relations
21 were pretty good with the American pilots; is that
22 correct?

23 A Yes.

24 Q Do you know if the Shipping
25 Federation has ever tried to, let us say, either
26 smash or impede the operation of the American Pilots
27 Association on the Great Lakes?

28 A Have we ever tried to smash the
29 American Pilots Association?
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Q Yes.

A What is the American Pilots Association?

Q You know them: the Lake Superior Pilots Association, the Corporation of Pilots in District No. 2 and District No. 1?

A We have an awful lot of corporations and associations in the Lakes and I would like you to be specific. There is quite a lot of difference between the various groups.

Q You have a Pilots Association on the American side in District No. 1?

A Yes.

Q You have one in District 2?

A Yes.

Q And you have one in District 3?

A Yes. You have at least one in District, 2, yes.

Q My only question was whether the Shipping Federation to your knowledge had made any attempt to impede the operations of these pilots' organizations?

A No.

Q Did the Shipping Federation ever attempt to impose or pressure upon the American pilots a civil service status?

A To impose upon the Americans?

Q Yes.

A No.



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Q Have you raised the question of target income with the American pilots?

A Not on an official basis. I would say it is a question that has been discussed unofficially.

Q Have you found ready and enthusiastic endorsement of this idea among them?

A I would say that there is a much greater acceptance of the idea than we found in other areas.

MR. BRISSET: What other areas, when you say "other areas"?

A The lower river, for example.

MR. LALONDE: Q Whom did you discuss it with?

A I don't know that it would be fair for me to answer that. This has been on a personal basis and I think it would only be fair that the other party have an opportunity to comment.

Q Oh, yes, they will have. Just give us the name and they will have an opportunity to comment because it is very important indeed.

MR. BRISSET: The witness has said, My Lord, if I may object, that these discussions were on a personal basis and I think it would be fair that his refusal to give the names be sustained.

THE CHAIRMAN: I think so. You may ask what kind of discussion it was and what the circumstances were. They were just unofficial discussions.



1 They may have been during the recess at a hearing.

2
3 MR. LALONDE: My Lord, the witness
4 has made a pretty broad statement to the effect he
5 discussed it with the American pilots and found great-
6 er acceptance there than among the lower river pilots.

7 THE CHAIRMAN: This was made to a
8 group. I think you may ask further whether it was
9 in his personal capacity or as a representative of
10 his group and to pilots representing groups or in
11 their meeting, because it is just a discussion and
12 when you ask people like that they are going to say
13 "Yes" to you because they don't want to disagree with
14 you.

15 MR. LALONDE: You mean at a coffee
16 break.

17 THE CHAIRMAN: Yes.

18 MR. LALONDE: Q With how many pilots
19 did you discuss it?

20 A I would say probably two or three.

21 Q This would have been during your
22 tour of the Great Lakes?

23 A Yes.

24 Q And this was on a purely personal
25 basis, not in their official capacity?

26 A Well, it is certainly unofficial to
27 this extent, that there was nothing that could be done
28 about such a proposal without official sanction and
29 the purpose of any discussion which I have had in this
30 regard would be purely of a sounding-out nature in the



1 hope if the indications were this might be helpful
2 that then perhaps something could be done on an of-
3 ficial level.

4 Q But nothing has been done at an
5 official level ever since?

6 A No.

7 Q Were the pilots in District 1 or 2
8 or 3?

9 A In District 2. District 2 I am
10 thinking of specifically but -- no, it is quite true
11 -- this has also been discussed in District 3 and pos-
12 sibly District 1. I couldn't be certain.

13 Q Now, to come to a detail problem.
14 You refer to District 1 and the difficulties in com-
15 munications between Cape Vincent and Cornwall. Is it
16 not a fact the Canadian pilots have the same difficulty
17 or the same advantages in the sense that both the
18 Canadians or Americans can take the Kingston route to
19 Cornwall if they wish to?

20 A This is an option. Obviously the
21 Americans with homes on the American side of the river
22 have different problems or different customs or living
23 habits which would require a different form of
24 transportation.

25 Q By the way, on the point as to the
26 fact that you had no trouble with the American pilots
27 or your relations were pretty good, have you counted
28 the number of tariff increases in the Great Lakes
29 during the last three years? It would be 1962 and
30



1 1963 because 1961 was the first tariff?

2 A Yes. There were increases, I
3 believe, in October 1962 and in August of 1963.

4 Q And can you remember what percentage
5 increase these represented?

6 A No. I would have to look that up
7 to give you a precise answer.

8 Q Is it a fact that in the increases
9 in August, 1963, there was an increase in August 1963
10 in District No. 2?

11 A Yes.

12 Q And it was in the range of 30 to
13 40 percent?

14 A It was fairly substantial increase.
15 Whether that is the correct percentage I don't know.

16 Q I understand that this increase was
17 obtained without having resort to any strong action
18 on the part of the pilot or threats of strong action?
19 It was established by the decision of the authorities?

20 A That is right. They didn't strike,
21 if that is what you mean. They didn't even threaten
22 to strike.

23

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1 Q. They didn't need to?

2 A. No.

3 Q. Now, this ship MERCURY about which we
4 have heard in your evidence kept a pilot on for ten
5 hours or more. Do you know what reason that ship
6 could not discharge her pilot or cancel the pilot
7 when she found out she would be staying so long before
8 leaving?

9 A. I don't know precisely. As I say,
10 maybe it was crew problems or maybe it was engine
11 problems; I don't really know.

12 Q. Now, at page 77 you say that costs
13 of administration are too high. Abnormally high.
14 Have you made any studies of the cost of administra-
15 tion in other American districts in the United States
16 where the pilotage tariff covers administration cost?

17 A. Outside of the lakes, you mean,
18 coastal areas, and so on?

19 Q. Yes.

20 A. No.

21 Q. On page 79 you also venture to say
22 that the volume of ocean traffic in the lakes is likely
23 to diminish to a trickle in the very near future as
24 costs go on increasing.

25 I understand there was an increase in
26 District No. 3 in 1962, and a substantial increase in
27 District No. 2 in 1963. Isn't it a fact that the
28 deep sea traffic this year has still increased com-
29 pared to the previous year by the date?

30 A. Yes, I believe the volume is up.



MR. LALONDE: Thank you.

CROSS-EXAMINATION BY MR. LANGLOIS:

Q. Mr. Colley, you mentioned that the Canadian Government and the DOT officials saved the day for you, and this would leave the implication somebody was trying to ruin the day for you. Who were they?

A. I thought that had been made rather clear in the early history. The original Bill was proposed by the United States Coast Guard.

Q. Was the opposition coming from the Coast Guard alone?

A. No, it was not. There was also the lake interests, the Lake Carriers Association.

Q. Are these interests those that you describe as having formed strong opposition to ocean shipping going into the lakes?

A. Yes.

Q. Is it not a fact that most of this opposition is located on the American side of the border?

A. I believe that is true, yes.

Q. Is it not logical to expect that if your Recommendation No. 2 is accepted that you are giving a second chance for this opposition to materialize?

A. I don't quite follow that.

Q. Will you explain what you mean? I think my question is very clear. I will repeat it.

A. Just a minute now. You are referring



1 to No. 2. No, I don't see that at all. We are
2 talking in Recommendation No. 2 really about a prac-
3 tical operational problem, and we are not talking
4 about changing the concept of control of pilotage
5 throughout the lakes.

6 Q. Mr. Colley, when you speak of spheres
7 of control and you state that there should be American
8 and Canadian spheres of control, you mean the Americans
9 should have more control over pilotage than they have
10 now?

11 A. No. This is operational control as
12 distinct from policy control. Distinct from juris-
13 diction over the entire lakes. There would have to
14 be coordination between the two. There would have to
15 be the same type of control that we have now. Even
16 if, for example, the Welland Canal became completely
17 a Canadian operational district, serviced by
18 Canadian pilots, this would not mean that the American
19 side does not take any interest in the Welland Canal
20 or the way it is operated. It is simply that you
21 have a Canadian operational control at that particular
22 point.

23 I think perhaps it would be similar
24 in a way to the Seaway situation. You have for two
25 locks complete American control. They are American-
26 manned and they have American staffs involved. But
27 in the overall picture you have coordination between
28 both the St. Lawrence Seaway Authority and the St.
29 Lawrence Development Corporation on the American side.

30 I don't quite follow how this suggestion



1 possibility of dividing the Great Lakes Basin into
2 Canadian and United States spheres of effort, respec-
3 tively, was thoroughly discussed before the present
4 system was put into effect, and it was discarded as
5 being impractical."

6 Now, these are the words of the
7 Department of Transport. Do you have knowledge of
8 prior discussion between the two governments on a
9 sphere of influence assigned to each?

10 A. No. I think what you are leading to,
11 it would be most interesting -- it would be most
12 interesting to us to know what it was they were talking
13 about when they considered this proposal as being
14 impractical.

15 Q. So to your knowledge it was not a
16 discussion of your proposal?

17 A. No.

18 Q. It may have been something slightly
19 different?

20 A. It could have been something differ-
21 ent. I think we have also explained that we have had
22 comments from time to time on the American side to
23 explain why there would be difficulties in breaking
24 up the districts as we now suggest; that they are
25 concerned about such things as State's rights in the
26 State of New York; they are concerned about the possi-
27 bility of such a system getting out of equilibrium so
28 that the parity situation would not be kept fifty-
29 fifty exactly. Also it was mentioned to us on that
30 occasion when we had proposed that the Welland Canal



1 should be all Canadian, "Oh, good heavens, this
2 couldn't work" because then the Americans would have
3 to take over pilotage in all of Lake Michigan which
4 was all American waters, and we said 'Fine, that is
5 what we are talking about."

6 There didn't seem to be -- how shall I
7 put it? -- a focus on the problem; that is, an opera-
8 tional problem, the way we look at it. Rather,
9 there were other considerations that were more of a
10 political nature on the American side. However, I do
11 not really know. My comments are perhaps misleading.
12 It would be very interesting for us to really know
13 what the reasons were that made it impractical from
14 the American point of view.

15 MR. JACQUES: I can assure you we
16 will ask the Department in Ottawa to explain this
17 statement.

18 Q. Have you ever thought of suggesting
19 the establishment of an international joint commission
20 for pilotage all over the Great Lakes?

21 A. We did make such a suggestion at one
22 time. This has also been tabled, I believe, the
23 actual proposed draft legislation in this regard.

24 MR. JACQUES: Thank you.

25 THE CHAIRMAN: Following this last
26 line of questioning, you do not figure that now?

27 THE WITNESS: No. We see compli-
28 cations in the light of actual experience because
29 presumably if we had an international joint commission
30 on pilotage they would somehow have to blend American



1 pilots with Canadian pilots, or it occurred to us that
2 this would be one of the problems.

3 Then perhaps in the final solution,
4 a final ideal arrangement would still be along the
5 lines of what we have suggested here, and we think it
6 would be less cumbersome and more direct if these
7 various areas came directly under either Canadian or
8 American operational control.

9 THE CHAIRMAN: I suppose this same
10 idea was studied with regard to the Seaway and it was
11 discarded.

12 THE WITNESS: Yes.

13 THE CHAIRMAN: We know that the Seaway
14 control two different spheres of influence altogether.

15 THE WITNESS: Yes.

16 THE CHAIRMAN: Thank you.

17 MR. LALONDE: Just one more question.
18 On page 75 my friend referred to a statement of yours
19 where you say that the ocean shipping interests had
20 recommended that the various districts be divided
21 so that as far as possible each could be restricted
22 to one nationality. I refer to correspondence filed
23 -- it may not have been filed, I don't know. It is
24 a letter from Mr. Mearns to Mr. Booth, dated September
25 13, 1960. Exhibit 1268.

26 A. Yes.

27 Q. You annex to this letter a memorandum
28 on Great Lakes Pilotage, and I notice that in this
29 description you suggest there should be one district
30 from St. Regis to Cape Vincent composed of Canadians



1 and Americans split on the basis of fifty-fifty;
2 the Welland Canal would be exclusively Canadian,
3 and Southeast Shoal to Sarnia would be fifty-fifty
4 Canadian and American, and then St. Mary's River
5 would be exclusively American.

6 Is that what you were referring to
7 in your brief at page 75?

8 A. Just a minute now. I think we also
9 had another ---

10 Q. This proposal appears on page 48 of
11 your brief as having been discussed for some time.
12 I presume that this was the proposal considered by
13 the Shipping Federation and which you refer to at
14 page 75?

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1 of ours is changing or taking away policy control.

2 Q. Well, you gave a different meaning
3 to what is written there because you speak of sphere
4 of control.

5 A. Operational control.

6 Q. Just a minute. That is new to me.
7 It is not in your brief. That is something new you
8 are adding now. There is no mention in your brief of
9 operational control. Isn't that a fact?

10 A. I am telling you this is what it
11 means.

12 Q. That is what I am saying, you are
13 adding to your brief now, but even if this sphere of
14 control is only operational or on an operation basis,
15 is it not a fact that by doing so you are giving
16 more say to the Coast Guard than to the Lake Carriers
17 Association in this district which would be under the
18 American sphere of control?

19 A. No.

20 Q. You are taking an awful chance, sir.

21 A. I don't see why there should be any
22 more control or interference by the Coast Guard or
23 anyone else. May I in turn amplify on this a little?
24 I think perhaps this map up here is the thing that
25 has misled you. This map, of course, if you want to
26 accurately reflect our recommendation, should be
27 changed completely. If I might point out, you should
28 eliminate all this red line here completely, and you
29 should have a blue line here and a blue line there,
30 and a red line there and red line there, and the rest



1 should not be coloured at all, and this would accurately
2 reflect what we are after.

3 THE CHAIRMAN: When you say "there",
4 would you explain so that it is in the record?

5 THE WITNESS: Our recommendation is
6 that there should not be compulsory pilotage in the
7 open waters of the lakes. Therefore if this is to
8 indicate areas of pilotage, we would not indicate
9 areas of pilotage on Lake Ontario or Lake ---

10 Q. Covering the whole lake?

11 A. Yes. We would simply indicate pilot-
12 age districts, the Seaway, the Welland Canal, Detroit
13 and St. Clair River and the St. Mary's River, and of
14 course the ports as well that are concerned. But I
15 think that the picture this map would then present
16 would be quite different from what is up there now.

17 MR. LALONDE: You assume the American
18 authorities once they have exclusive jurisdiction over
19 all the lakes up to Lake Erie would let you dispense
20 with your B certificate?

21 THE WITNESS: We have made a recom-
22 mendation; we certainly hope something like this will
23 come through. But might I point out at the present
24 time any ship, whether it has got a Canadian pilot
25 on board or an American pilot on board, when they are
26 transversing any of these lakes which are partly U. S.
27 and partly Canadian and which are all American here,
28 they are under the full and complete control of the
29 Coast Guard and any regulations they want to apply
30 in the United States, and whether we have a system we



1 have today or whether we have a new system is not
2 going to change that.

3 MR. LALONDE: It is not going to
4 change the fact they would be going without B certifi-
5 cates.

6 THE CHAIRMAN: Any further questions?

7 MR. LANGLOIS: No.

8 MR. LALONDE: It is just, my lord,
9 I would insist on getting the names of the people Mr.
10 Colley spoke to, but if your position is that he
11 should not be called upon to give those names . . .

12 THE CHAIRMAN: From the evidence we
13 have received so far it was an unofficial meeting,
14 people informally talking, and therefore I would not
15 like to put those people on the spot because they
16 may have answered and said "Do as you please." You
17 know, it happens at times, when you don't want to get
18 involved in an argument.

19 BY MR. JACQUES:

20 Q. I have two or three questions, my
21 lord. Will you turn to page 75 of your brief, where
22 the last paragraph reads as follows:

23 "Prior to the implementation of the Great
24 Lakes pilotage legislation the ocean shipping
25 interests had recommended that the various
26 districts be divided so that as far as
27 possible each could be restricted to one
28 nationality or the other with the objective
29 of 50/50 parity in overall participation of
30 pilotage by Canadians and Americans."



1 And I go on: "This view apparently was not acceptable
2 to Washington."

3 Would you further explain the last
4 statement "This view apparently was not acceptable
5 to Washington"?

6 A. By that I mean in our talks with the
7 Department of Transport before the new legislation
8 went into effect we appeared to be in accord, and I
9 think that is reflected in the correspondence that we
10 have already tabled.

11 In other words, the Department of
12 Transport shared our views on this question. So
13 eventually when the law came out and this was not
14 implemented, we could only assume that the objection
15 or the change must have been on the American side
16 rather than Canadian.

17 Q. I see. This is not a statement
18 implying that you had discussions with the Americans
19 and they told you that they could not accept that?

20 A. No, no, it is just a conclusion.

21 Q. From the facts?

22 A. Yes.

23 Q. Now, would you turn to page 89 of your
24 brief, and I should like to quote an extract from a
25 letter addressed by Mr. Booth to Captain Matheson on
26 April 19, 1963, with reference to proposal 2. I
27 quote: "Adoption of your proposal No. 2" -- which is
28 the Federation's proposal No. 2 -- "would mean a
29 complete reversal of the basis of the Canadian/United
30 States arrangements for a joint pilotage service. The



1 THE WITNESS: Yes, it could be. I
2 am in doubt. I would have to get a little bit of advice
3 whether this was part of any evolution to proposals or
4 whether this was the one and only final one.

5 MR. LANGLOIS: Coming back to this
6 recommendation No. 2, I find that on page 69 you gave
7 us one of the reasons why you are suggesting these
8 different spheres of control is because of the conflicts
9 in the interpretation of the regulations. Do you
10 mean to say that if your recommendation No. 2 is
11 accepted there would be only one set of regulations for
12 each district?

13 THE WITNESS: Well, Mr. Langlois, at
14 the present time as you know there is a pilotage law
15 and then there are the regulations, these on the
16 American side and the Canadian side also have them.
17 They are regulations that I would term as optional.
18 They refer to tariffs. They define various dis-
19 tricts. They talk about detentions, cancellations
20 and so on.

21 I would certainly expect that if the
22 Welland Canal for example were one hundred per cent
23 staffed by Canadian pilots and if in effect they came
24 under the administration of a Canadian dispatcher and
25 so on the Canadian regulations would apply without any
26 question.

27 MR. LANGLOIS: But you will have
28 only one set of regulations for the American sphere of
29 control and one set for the Canadian sphere of control?

30 THE WITNESS: But we have two sets of



1 regulations right now.

2 MR. LANGLOIS: I am talking about
3 your recommendation No. 2; I am not talking of the
4 present situation. You are suggesting that there
5 will be two spheres of control for the pilotage on the
6 Great Lakes, one American and one Canadian, and as the
7 reason for that you put forward the present conflict in
8 the regulations. Am I to understand that if your
9 recommendation is accepted you would be prepared to
10 accept a regulation for the American sphere of control
11 originating in Washington alone?

12 THE WITNESS: I would imagine it would
13 work exactly the same way that it works today.

14 MR. LANGLOIS: You would have the same
15 conflict then that you are complaining of.

16 THE WITNESS: The reason we have a con-
17 flict today, Mr. Langlois, if you would listen to what
18 we said, is that the fact that we have American pilots
19 and Canadian pilots in the same district under these
20 regulations springing from the same memorandum of
21 arrangements.

22 MR. LANGLOIS: Would you care to
23 refer to page 70 of your brief, and I quote:

24 "In other words, although these individual
25 relations of Canada and the United States
26 presumably, were intended to reflect the
27 Memorandum of Arrangements, it will be
28 observed that the make-up and terminology
29 of the two sets of regulations are dif-
30 ferent in many respects and, as we will



1 show, have led to varying interpretations
2 of the same problem when submitted to
3 Ottawa or Washington."

4 Do you mean to say in order to correct the situation
5 that you are prepared to recommend that there will be
6 only one set of regulations in the American sphere
7 of control and that those regulations be made by
8 Washington alone? That is my question. My question
9 is quite clear.

10 THE WITNESS: I do not see that there
11 will be any difference as far as issuing regulations is
12 concerned than there is now. In other words, there must
13 be on a high level a common policy between Canada and
14 the United States as to how pilotage is to be looked
15 after in the Great Lakes the same as there is now.
16 But when you come down to the individual spheres of opera-
17 tional interest, then we try to segregate them so that we
18 do not have individual Canadian regulations that spring
19 from the Canadian legislation conflicting with the
20 American regulations that spring from the same legis-
21 lation.

22 MR. LANGLOIS: Then who is going to
23 be the authority which will promulgate these regulations?

24 THE WITNESS: On the American side?

25 MR. LANGLOIS: In either sphere.

26 THE WITNESS: On the American side I
27 imagine it would still be the United States Pilotage
28 Administration.

29 MR. LANGLOIS: They will be the
30 authority to administer the regulations?



1 THE WITNESS: Exactly.

2 MR. LANGLOIS: And if there is some-
3 thing in those regulations that you do not like, how
4 are you going to go about it? Will you go to
5 Washington and complain?

6 THE WITNESS: They would still have
7 public hearings, I imagine.

8 MR. LANGLOIS: But you would have to
9 go to Washington and complain?

10 THE WITNESS: Yes, we could go to
11 Washington and if it is something that is in conflict
12 with the memorandum of arrangements I think we would
13 be quite prepared to go to Ottawa on this also.

14 MR. LANGLOIS: And do you think that
15 in Washington if you made a complaint it would be:
16 "Yes, sir; Ready, sir, right away"?

17 THE CHAIRMAN: I think I may sum up
18 this question right now. What you are complaining
19 about is that within the same area there is conflict
20 about two sets of regulations applying to the same
21 people in the same place where afterwards with the
22 proposed change there should be also springing from
23 the same legislation different sets of regulations but
24 they will not apply to the same area -- from one area
25 to the other. There could be a difference in the
26 regulations and they may be conflicting and so on
27 but they will not apply to the same people.

28 Right now, for instance, for a trip in
29 Toronto harbour, depending on whether the bill comes
30 from the American Authority or from the Canadian



1 Authority, it is different. Where, with the proposed
2 change the bill will always come from the Canadian
3 Authority so therefore for the Toronto harbour there
4 will be no different sets of regulations -- but there
5 might be for the same service rendered here or in
6 Chicago. Then there might be a difficulty or a con-
7 flict of regulations or interpretation. That is
8 going to be in the different areas, but it is still
9 going to exist.

10 MR. LANGLOIS: This conflict will be
11 there just the same.

12 MR. JACQUES: There will not be any
13 conflict. There will be two different regulations for
14 two different areas.

15 THE CHAIRMAN: So I think both points
16 are all right.

17 MR. LALONDE: The U. S. mail and the
18 Canadian Royal mail provide a pretty good and efficient
19 service and it is easy to exchange drafts of regula-
20 tions.

21 THE CHAIRMAN: Some words do not mean
22 the same thing in United States and Canada.

23 THE WITNESS: That is so.

24 COMMISSIONER SMITH: My lord, I would
25 just like to ask one question of the witness.

26 This may seem a little far-fetched, Mr.
27 Colley, but while we are at it I think we might as
28 well explore all the possible operational controls
29 that might serve. Would it serve any operational
30 purpose to have a joint operation comprised of the



1 Canadian Seaway Authority and the American counterpart
2 to the Canadian Seaway Authority in the operation of
3 pilotage in the Great Lakes Basin?

4 THE WITNESS: Are you talking specifi-
5 cally of District No. 1 or throughout?

6 COMMISSIONER SMITH: The whole area;
7 I am thinking of the whole area.

8 THE WITNESS: Well, I think my view
9 would be that that would be somewhat impractical in
10 so far as the major portion of the Seaway -- and with
11 the Seaway I am including the Welland Canal -- is of
12 course Canadian and Canadian controlled. The American
13 portion is quite small. I think we might be making
14 things unduly cumbersome by trying to make a joint
15 control from it, but rather that each should look
16 after their own particular section.

17 COMMISSIONER SMITH: Thank you.

18 THE CHAIRMAN: Are there any further
19 questions of Mr. Colley?

20 MR. BRISSET: My lord, I have one
21 question.

22 Mr. Colley, you have indicated to my
23 friend Mr. Lalonde that the chart before us was not
24 representing the true picture in so far as pilotage in
25 restricted waters was concerned. I would like to
26 suggest to you also that it does not represent a true
27 picture of the situation in respect of pilotage tariffs
28 or rates, and I point out to you that in District No. 1
29 the rate is \$200, in the Welland Canal it is \$200 -- a
30 total of \$400 -- while in the area between Southeast



1 Shoal and Sarnia the rate is \$150 and in the St. Mary's
2 River it is \$200 -- a total of \$350.

3 MR. LALONDE: What about the charges
4 in all the ports? You might just as well go on and
5 mention them.

6 MR. BRISSET: Well, my friend can do
7 that.

8 MR. LALONDE: There are about sixty
9 ports.

10 MR. BRISSET: Most of them are American
11 -- right?

12 MR. LALONDE: Excuse me?

13 MR. BRISSET: Most of them are American.

14 MR. LALONDE: Well, I am not so sure.
15 Well certainly most of them are American. I think it
16 is a great advantage that we should have such a good
17 deal on this operation. I cannot see how you want
18 to give it away.

19 THE CHAIRMAN: So we are in the argu-
20 ment now? What I asked was, were there any questions
21 for the witness.

22 MR. LALONDE: My friend did not ask a
23 question; he made a statement, my lord.

24 MR. BRISSET: My lord, if I may take
25 advantage of this opportunity to suggest I bring to the
26 attention of the Commission a correction that should be
27 made in the brief of the Shipping Federation, when the
28 brief was bound the documents appended were introverted
29 and I would like to draw the attention of the Commission
30 to this.



1 At page 89 there is a reference in the
2 first paragraph to the attached proposals, and these are
3 to be found at pages 92 and 93. At page 91 in the
4 letter of Captain Matheson to Mr. Cumyn there is a
5 reference in the second paragraph to a copy of a report
6 and this report unfortunately was placed at the begin-
7 ning and is to be found at pages 85, 86, 87 and 88. To
8 this report should be attached at the end the proposals
9 contained at page 84. I am very sorry, but the whole
10 order was changed.

11 THE SECRETARY: Mr. Brisset, the
12 very first correction that you suggested, namely at
13 page 89, the letter, you said that the proposals re-
14 ferred to in the first paragraph were at pages 92
15 and 93. Are they not rather at page 84?

16 MR. BRISSET: No.

17 THE SECRETARY: 92 and 93 are recommen-
18 dations.

19 MR. BRISSET: Oh, I am sorry, yes; it is
20 my mistake. We will have to start again. At page 89
21 when there is a reference to proposals of the Shipping
22 Federation these proposals are to be found on page 84.

23 MR. LANGLOIS: These are the proposals
24 of April 16th?

25 MR. BRISSET: That is right.

26 THE CHAIRMAN: So it is page 84 instead
27 of pages 92 and 93?

28 MR. BRISSET: That is correct. Going
29 to page 91 in the second paragraph, the reference to the
30 report, that is correct. The correction I have indicated



1 is the correct one.

2 THE CHAIRMAN: 85, 86, 87 and 88.

3 MR. LALONDE: What about 92 and 93; where
4 do they go?

5 THE SECRETARY: Attached to page 91.

6 MR. BRISSET: That remains in the
7 same place. It is part of the attachment to the letter
8 of May 3rd and is referred to in the third paragraph, so
9 that one is in its proper place.

10 MR. LALONDE: One last question, Mr.
11 Colley; your reference to the pilots of District 1 with
12 whom you discussed the recommendations here, was it
13 Captain Bissonnette?

14 THE WITNESS: The man with whom I
15 discussed recommendations?

16 MR. LALONDE: Yes, contained in this
17 brief.

18 THE WITNESS: Yes.

19 MR. LALONDE: It was Captain Bissonnette?

20 THE WITNESS: Yes.

21 THE CHAIRMAN: You have one!

22 MR. LALONDE: I have one!

23 THE CHAIRMAN: Are there any further
24 questions for Mr. Colley?

25 We will adjourn now for a few minutes.

26
27 ---Short recess.

28 ---Upon resuming.

29
30 MR. JACQUES: My lord, my friend Mr.



1 Brisset wishes to put before the Commission Chart No.
2 2400 of the Great Lakes showing the ideas expressed
3 in Recommendation No. 2 of his brief.

4 MR. LANGLOIS: Showing in what way?

5 MR. JACQUES: The colour . . .

6 MR. LANGLOIS: I suggest black for
7 mourning.

8 THE SECRETARY: May I suggest that we
9 give this chart a number?

10 THE CHAIRMAN: What about the chef
11 d'oeuvre by Mr. Lalonde -- as painted by Mr. Lalonde?

12 MR. LALONDE: Thank you, my lord.

13 MR. BRISSET: You could give it the
14 same number.

15 THE CHAIRMAN: Yes, the same number.

16 MR. BRISSET: It will be 1282.

17 THE SECRETARY: In fact this painting
18 of the general chart of the Great Lakes made by Mr.
19 Lalonde purported to show the effect of the recommen-
20 dations of the Shipping Federation.

21 THE CHAIRMAN: That is right.

22 THE SECRETARY: I think it would per-
23 haps be more desirable to leave the Shipping Federation
24 to present their own recommendations.

25 THE CHAIRMAN: That is what they are
26 doing.

27 MR. JACQUES: That is what we are
28 saying.

29 THE SECRETARY: I thought you were
30 filling this one as well.



1 THE CHAIRMAN: The two of them together.
2 That is so we will know which is which. The one with
3 the red line and the blue line going all around the
4 lakes, that Mr. Lalonde should have. Then Mr. Brisset
5 is going to bring another one showing only the parts
6 where pilotage should be compulsory, or should be a
7 pilotage area only, which will not circle the lakes.

8 THE SECRETARY: The same exhibit -- 1282.
9
10 ---Addition to Exhibit 1282, Chart No. 2400 of the
11 Great Lakes.

12 THE CHAIRMAN: Now I see that the
13 hearing is coming to its close. We still have a few
14 witnesses, but I wish to remind you that with regard
15 to the two objections that have been taken under con-
16 sideration I do not know whether an agreement has been
17 arrived at with Mr. Mahoney or Mr. Mason. Was the
18 resolution tabled?

19 MR. JACQUES: It is going to be filed,
20 my lord.

21 THE CHAIRMAN: Is it filed now?

22 MR. JACQUES: Not yet.

23 THE SECRETARY: I think it was given
24 a number though.

25 THE CHAIRMAN: It is not in the record
26 so far. With regard to the first objection to a ques-
27 tion by Mr. Lalonde regarding whether the Dominion
28 Marine brief was approved by the Board -- we came to
29 an agreement to the effect that Mr. Mahoney or Mr.
30 Mason was going to file a copy of the Minutes of the



1 General Meeting or an extract of the Minutes of the
2 General Meeting approving the brief. So we will give
3 a number to that immediately.

4 THE SECRETARY: 1253.

5
6 ---EXHIBIT NO. 1253: Extract of Minutes of meeting
(to be produced) of the Dominion Marine Association
7 approving their brief.

8 MR. LANGLOIS: We do not know the
9 date of that?

10 THE CHAIRMAN: No.

11 The second objection was with regard
12 to the scale of salaries paid to ships' masters. I
13 do not think there was any agreement arrived at on that.

14 MR. LALONDE: Not at the time, but I
15 think Mr. Mason and myself will reach an agreement very
16 soon.

17 THE CHAIRMAN: You will make a state-
18 ment to the Commission on that, will you?

19 MR. LALONDE: Yes.

20 THE CHAIRMAN: We now come to Mr.
21 Matheson's cross-examination.

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J.E. MATHESON, sworn

CROSS-EXAMINATION BY MR. LALONDE:

Q Captain Matheson, in your evidence you stated that you helped and encouraged the setting up of American pilots' organizations?

A Yes.

Q Your brief and your evidence stated that you helped financially and otherwise the establishment of an organization in District No. 2?

A That is right.

Q Now, you stated that you paid \$14,000 to the Secretary of the Pilots' Association in District No. 3 to do this organizing?

A Yes, to Mr. Fredin.

Q Did you give any other form of assistance in the setting up of what is called the Lakes Pilots' Association Inc? Did you encourage in any other way the formation of the pool of the American pilots in District No. 2?

A No; not other than discussions I had with Captain Lowe of the American Pilots' Association and as a result of these discussions the assistance that was given by Captain Lowe. He was the main sponsor of setting up the pool.

Q And I understand you retained the services of Mr. Fredin to set up this organization in District No. 2?

A Right.



1
2 Q Now in District No. 1 a couple of
3 years before did you have help in setting up the Lake
4 Superior Pilots' Association?

5 A No, not in District No. 1.

6 MR. BRISSET: Maybe there is a
7 mistake there. The Lake Superior Association is
8 District No. 3.

9 THE WITNESS: District No. 3, oh
10 yes, I did.

11 MR. LALONDE: Q What kind of help
12 or support did you offer?

13 A Well, there had been pilots in
14 Duluth and these pilots themselves had extended their
15 sphere to the area between White Fish Bay and Detour.
16 However, there was no proper organization and with the
17 result I went to Duluth and had discussions with the
18 pilots and with the shipping interest there.

19 Q That was in July 1959, was it approxi-
20 mately that time?

21 A Yes.

22 Q What kind of support did the
23 Shipping Federation give to establishing the Lake
24 Superior Pilots' Association, that is in District 3,
25 the American Association?

26 A Well, I personally arranged for a
27 responsible control of the pilots there.

28 Q What do you mean by this?

29 A Well, I arranged with the agents,
30 and this was agreed to by the pilots, that Mr. Svenson



1 who was one of the ships' agents in Duluth be responsible
2 for the pilotage.

3 Q Is that the Mr. Svenson who was
4 President for a while of the Association?

5 A Yes.

6 Q And that Mr. Svenson was a shipping
7 agent?

8 A Yes, right.

9 Q And you personally arranged to have
10 this type of responsible dealership for the pilots'
11 organization at that time. Is that correct?

12 A Yes, correct.

13 Q Did the Shipping Federation help in
14 any way financially in the setting up of the District
15 No. 3 Pilots' Association?

16 A Financially, no, I don't believe so.

17 Q Is the \$14,000 you refer to paid to
18 Mr. Fredin the only money paid to Mr. Fredin by the
19 Shipping Federation?

20 A As far as I can recall that is the
21 only bill we paid to Mr. Fredin.

22 Q Or to a Pilots' Association in
23 District No. 2 or District No. 3?

24 A As far as I can recall.

25 Q Would you mind carefully checking
26 into this and if the answer is different there will
27 always be time to give the answer later on, I suppose.

28 A I will check into that.

29 Q Now, you had this Mr. Svenson who was
30



1 the President of the Pilots' Association there and I
2 understand that this Association worked pretty closely
3 in co-operation with the Shipping Federation in con-
4 nection with the various American bills which were
5 presented before the House of Representatives. Is that
6 correct? Or did you work completely separately?

7 A Separately. The pilots in this
8 Association worked very closely with the ships' agents
9 in Duluth. I think that would be the best way of des-
10 cribing it.

11 Q You had Mr. Svenson --

12 A There is one or two ships' agents at
13 that time. I might say that Mr. Svenson represented the
14 smallest number of ships going to Duluth. There were
15 one or two other agencies that had a much greater busi-
16 ness than he did. These other agents and the pilots at
17 the time I was there all agreed that Mr. Svenson should
18 operate the pilotage district.

19 Q I am referring to your letter of
20 July 20th, 1959, which was part of an exhibit before,
21 and the document to which I refer is "instruction to
22 shipmasters of ocean vessels trading in Lake Superior."
23 The officers were as follows: President, Treasurer,
24 and General Manager was Mr. Theodore Svenson?

25 A Correct.

26 Q And the Secretary, Mr. Conrad Fredin?
27 I understand he is a lawyer?

28 A That is correct.

29 Q And then dispatchers, Tony Rico?
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A A pilot.

Q Svenson would have been the same as before, and Bob Baker?

A Baker was the assistant in Mr. Svenson's office.

Q And the dispatcher at Detour would have been Jerry Newman?

A Jerry Newman was a pilot.

Q The dispatcher at Fort William-Port Arthur, R.D. Mann?

A Ship's agent at the Lakehead.

Q And it is said in your instruction to ship's masters that the Lake Superior's Pilot Association has recently received a charter from the American Federation of Labour. That is the same Association?

A Right.

Q Were the dispatchers officers of the Association? They are listed as such in your instructions.

A They were considered officers or the Executive of the Association.

Q Now, in connection with the Great Lakes Pilotage Pool, I should say Pools, which were discussed during the year, I understand you to say that whatever representation was made by the Lake Superior Pilots' Association was made independently of you and there was no concerted activity? Let us put it that way.

A Yes, as far as I can recall, that is



1 the case.

2 Q And there was no arrangement between
3 the Shipping Federation and the Lake Superior
4 Association as to what each should do and things like
5 that?

6 A No.

7 Q In this connection I would like to
8 read to you two paragraphs of letters which have been
9 filed before this Commission. One is Exhibit 1263,
10 that is a letter from Mr. Fredin to Senator Magnuson,
11 February 29th, 1960. The other is a letter from Mr.
12 Mearns of May 13th, 1960 to the Honourable George Hees,
13 Exhibit 1265. Do you have that?

14 A Yes.

15 Q If you will look at page 3 of the
16 letter from Mr. Fredin to Senator Magnuson the second
17 paragraph reads as follows: "Certainly a generally
18 licensed master entrusted by the owner with responsi-
19 bility for navigation all over the world, through the
20 Carribean Sea, Denmark Straits, the Baltic Sea, the
21 English Channel, Cape Horn, the Malacon Straits, the
22 Coast of Africa and the Mediterranean Sea should be
23 competent to handle this vessel in open waters of the
24 Great Lakes."

25 Now, if you go to Exhibit 1265 on
26 page 2, I am reading you a letter from Mr. Mearns to
27 the Honourable George Hees. The second paragraph on
28 page 2 reads as follows:

29 "Certainly a generally licensed
30



1 Master entrusted by his owners with responsibility for
2 navigation all over the world through the Carribean
3 Sea, the Denmark Straits, the Baltic Sea, the English
4 Channel, Cape Horn, the Malacon Straits, the Coast of
5 Africa and the Mediterranean Sea, to name but a few,
6 should be competent to handle his vessel on the Great
7 Lakes without the discriminatory two-trip requirement,
8 the like of which exists nowhere else."

9
10 Don't you find a strange similarity
11 between the two texts?

12 MR. BRISSET: My Lord, may I explain
13 the similarity.

14 MR. LALONDE: My friend should go in
15 the box.

16 MR. BRISSET: The witness does not
17 know. Mr. Fredin sent me a copy --

18 THE CHAIRMAN: Would you know about
19 the letter your self?

20 THE WITNESS: I don't think so.

21 MR. BRISSET: Mr. Fredin sent me a
22 copy of his letter to Senator Magnuson and I myself
23 drafted the letter which was signed by Mr. Mearns ad-
24 dressed to Mr. Hees and I can say it was quite refresh-
25 ing for me to find out that the pilots of Lake Superior
26 knew the difference between a pilot in the real sense
27 of the word and a watch-keeping officer.

28 MR. LALONDE: The definition of
29 "pilot" used by my friend is not the same as is used
30 currently in the Canadian Shipping Act. Anyway, I



1 heard the witness say that there was no concerted
2 activity between the two groups.

3 Q Now, to go to something else. These
4 Pilots' Associations which were set up in 1959 and
5 1961, 1962 and 1963, they were recognized by the Great
6 Lakes Pilotage Administration in the United States. Is
7 that correct?

8 A Correct.

9 Q In 1961 when the system was set up?

10 A When the joint agreement between
11 both Governments came into effect.

12 Q And when you helped in the setting
13 up of the Association in District No. 2 was this at
14 the same time as the regulations in the United States
15 were made public?

16 A It was about the same time.

17 Q You are aware, of course, that the
18 American Pilots' Associations pool all their earnings
19 and deduct administrative expenses from their total
20 earnings before paying it back to the pilots; are you
21 not? Is that correct?

22 A Yes.

23 Q And when you helped in the form-
24 ation of the Association in District No. 2 were you
25 aware that this was the system which would be in op-
26 eration or which was to be set up on the Great Lakes
27 according to the American regulations?

28 A I believe so, yes.

29 Q Now, previously to that you also
30



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(Lalonde)

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1 stated that you had tried to encourage the setting up
2 of Canadian associations or Canadian organizations in
3 the Port Weller/Sarnia area. You referred to two at-
4 tempts. Is that correct?

5 A Yes.

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1 Q. What type of encouragement did you
2 give to the setting up of these two associations?

3 A. I just don't recall specifically, but
4 as far as I can recall there is a lawyer in Port Weller
5 or in Dalhousie whom the pilots consulted and assisted
6 the pilots actually in their dealings with the National
7 Employment Insurance. I am going from memory. This
8 is some time ago. I believe in that way this lawyer
9 was made available to the pilots through myself.

10 Q. Through yourself?

11 A. Yes.

12 Q. Did you pay any fees to this lawyer?

13 A. I can't recall the details, Mr.

14 Lalonde.

15 MR. LANGLOIS: Surely he was not work-
16 ing for free.

17 THE WITNESS: That has not been my
18 experience with lawyers.

19 THE CHAIRMAN: Unless you qualify under
20 Legal Aid!

21 Q. Now, surely you were aware that there
22 existed at the time other organizations or associations
23 in the district, did you not?

24 A. There was one other association in
25 the district.

26 Q. Which was the Great Lakes Pilots
27 Association?

28 A. Correct.

29 Q. Surely you were aware that this Associa-
30 tion still grouped at that time a fair number of pilots,



1 did it not?

2 A. It did.

3 Q. Now, the way I understand your testi-
4 mony, your great worry was about the influence of Captain
5 Rolla Johnson on the Great Lakes, as far as pilotage was
6 concerned?

7 A. Yes. My great worry was to get
8 responsible control of pilotage. I think that is what
9 I said, Mr. Lalonde.

10 Q. To that effect I presume your view was
11 the Great Lakes Pilots Association was not such a
12 responsible organization and should be replaced as much
13 as possible; is that correct?

14 A. Well, at that time the Great Lakes Pilots
15 Association did not represent any pilots employed by the
16 Shipping Federation.

17 Q. What time are you referring to?

18 A. In 1958.

19 Q. In what period of 1958 are you referring
20 to?

21 A. The middle or latter part of 1958, Mr.
22 Lalonde.

23 Q. Are you sure that in 1958 there was no
24 sailing master or no pilot in the Port Weller-Sarnia
25 district which was a member of the Great Lakes Pilots
26 Association?

27 A. I didn't say that. The majority of the
28 pilots had formed themselves into another group.

29 Q. Which was what?

30 A. I think it was the Great Lakes Marine



1 Pilots. I just forget the name. The words "Marine
2 Pilots" was in the name anyway.

3 Q. The Great Lakes Pilots Association had
4 members among your pilots?

5 A. Yes, I believe so.

6 Q. How do you know the other Association,
7 the Ontario Marine Pilots Association, I think it is,
8 grouped the majority?

9 A. That is my recollection.

10 Q. How do you know? How did you know
11 about it?

12 A. I don't know how it came to my atten-
13 tion, but that was my understanding.

14 Q. If it did in fact group the majority,
15 it did not seem to have any activity and vanished it
16 seems.

17 A. We were hoping at that time, Mr. Lalonde,
18 that one hundred per cent Great Lakes Pilots Association
19 members would be employed in that district.

20 Q. And this Ontario Marine Pilots Association
21 that is the one you helped to form, to establish?

22 A. Yes.

23 Q. There was another attempt, was there not?
24 From evidence you refer to two attempts the following year,
25 if I remember well.

26 A. Certainly not the following year. Later
27 on that year that same group I believe tried to get certi-
28 fication, the same group, but I believe the name was changed
29 somewhat.

30 Q. There was a change in the name, then?



1 perhaps we could search for them.

2 MR.LALONDE: I do not think it is of
3 any interest, to me, anyway.

4 THE SECRETARY: The letter has been
5 filed as Exhibit 1284.

6
7 ---EXHIBIT NO. 1284: Letter dated November 12, 1958,
8 from A. E. Welland to Captain
9 Matheson.

10 Q. Did you have time to think of any
11 reason, Captain Matheson, why this was sent to you?

12 A. No reason other than we had very good
13 and close relationships with the pilots that were work-
14 ing in the district at that time.

15 Q. Yes?

16 A. And he probably sent it out of cour-
17 tesy. I just can't recall.

18 Q. Now, the way I read your brief, I
19 understand that your view has always been that the
20 Great Lakes Pilots Association were established at the
21 instigation of Captain Rolla R. Johnson?

22 A. I don't believe that was our intention
23 to convey that.

24 Q. Why do you say then at the bottom of
25 page 8 of your brief, and I quote:

26 "On April 27, 1956, the sailing masters
27 at the instigation of Captain Rolla R.
28 Johnson, Vice-President of The International
29 Organization of Masters, Mates and Pilots, Inc.
30 of the United States, incorporated them-
selves into a Corporation under Part II



1 of The Companies' Act under the name of
2 The Great Lakes Pilot Association of Canada,
3 and both the American and Canadian Associa-
4 tions agreed to cooperate."

5 MR. BRISSET: What is the date?

6 MR. LALONDE: April 27 is the incor-
7 poration date.

8 MR. BRISSET: Yes, I have it.

9 THE WITNESS: I will read a letter.

10 Q. Yes?

11 A. That I received from Captain A. E.
12 Welland, Great Lakes Pilots Association of Canada,
13 dated the 23rd of June, 1956:

14 "Dear Captain Matheson:

15 "In reply to your letter of June 20
16 enclosing copy of letter that you received
17 from Captain Johnson, at the last meeting
18 of the Great Lakes Pilots Association which
19 was held before the charter was granted,
20 Captain Johnson was in attendance. It
21 was moved that the Great Lakes Pilots
22 Association cooperate in any way possible
23 with the International Organization of
24 Masters, Mates and Pilots Incorporated.
25 There was no mention of sailing masters
26 training United States masters, and there
27 has been no meeting of the Great Lakes
28 Pilots Association since the charter was
29 granted.

30 "You asked my personal view on this



1 matter, and I say that frankly I cannot see
2 why we should train United States men to
3 share in our livelihood. I personally
4 think that the majority of the sailing
5 masters are of the opinion that if they
6 do not cooperate with the International
7 organization that when the Seaway goes
8 through Canadian pilots will be barred
9 from the United States ports.

10 "The International Organization are
11 tied in with the trade unions, and how
12 far they can go in this connection I
13 would like to know. I do not favour
14 anything that ties in with any union.

15 "My understanding of the Association
16 formed by us that it was for the sole
17 purpose of a closer understanding between
18 the sailing masters and the Canadian
19 shipping companies. If there has been
20 any arrangements with Captain Johnson
21 regarding the training of men, they are
22 not in order as no meeting has been
23 passed since we became a chartered organi-
24 zation.

25 "I personally feel that we should
26 know what we are getting into before
27 we create a situation which we have no
28 intention of creating. I would appre-
29 ciate a personal interview with you in
30 the near future strictly as a personal



1 matter, and immediately on my return from
2 my trip, which will be about the first
3 week in July, I will contact you in this
4 regard.

5 "As Secretary of the organization I
6 can say that our charter was granted
7 April 27th. There has been no meeting
8 to set up the Minutes as such. There
9 can be no meeting until we can get to-
10 gether and that will be after navigation
11 closes. Any dealings with Captain
12 Johnson in the meantime are not in order."

13 Signed, A. E. Welland.

14 Q. Yes. From this you concluded that
15 Rolla Johnson instigated the setting up of the Great
16 Lakes Pilots Association of Canada?

17 MR. BRISSET: My lord, I object to
18 the question. The letter is quite significant. It
19 simply says that Mr. Welland or Captain Welland was
20 not in accord with the rest of the Association in
21 their dealings with Mr. Johnson.

22 MR. LALONDE: Certainly it does not
23 say that.

24 Q. Who is Mr. Welland, anyway? Mr.
25 Welland is Secretary of the Association?

26 A. Yes.

27 MR. LALONDE: It does not say what
28 my friend has said.

29 MR. BRISSET: "At the last meeting
30 of the Great Lakes Pilots Association which was held



1 before the charter was granted, Captain Johnson was
2 in attendance. It was moved that the Great Lakes
3 Pilots Association cooperate in any way possible with
4 the International Organization of Masters, Mates and
5 Pilots Incorporated."

6 Q. I would ask the question: It is
7 from this type of sentence you conclude the Great Lakes
8 Pilot Association of Canada was created at the insti-
9 gation of Captain Johnson? This is the basis for
10 your statement? Certainly I am entitled to ask this
11 question.

12 A. That is partly the basis for the
13 statement, but it was also known that Captain Johnson
14 had been found to influence the Canadian pilots for
15 some time previous before that.

16 Q. Yes, but I submit to you this is not
17 evidence to the effect that the Great Lakes Pilots
18 Association of Canada was created at his instigation.

19 A. Well, I think that letter speaks for
20 itself.

21 Q. Yes, indeed. I don't think it sup-
22 ports what you said. Why would have Captain Johnson
23 supported the creation or instigated the creation of
24 the Great Lakes Pilots Association of Canada while
25 he could have much more simply set up a branch of
26 the International Union like we have in so many other
27 unions of Canada?

28

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30



1 A. I do not think that would have been
2 very popular with the pilots at the time -- a branch
3 of the Masters, Mates and Pilots. There was con-
4 siderable opposition to Johnson and the Masters, Mates
5 and Pilots in the Canadian group. There were a few
6 of the Canadian pilots who were very forceful in
7 their attitude and very strong-minded who brought the
8 thing along. I think that is the situation.

9 Q. Quite, and let us take it that this
10 was the basis upon which you considered that this
11 Association was instigated by Johnson. You said in
12 your evidence -- I want to report you correctly, but
13 I do not think I am reporting you exactly -- that you
14 would do everything available to get rid of Rolla
15 Johnson. Do you remember having said something like
16 that in your evidence?

17 A. Would you repeat that, Mr. Lalonde?

18 Q. That you would do everything available
19 to you to get rid of Rolla Johnson or the influence of
20 the American unions?

21 A. Yes, absolutely. I said that, yes.

22 Q. I presume it is fair to conclude, is
23 it not, that the fact that you believed that Rolla
24 Johnson established the Great Lakes Pilots Association
25 somewhat influenced your dealings with that Association
26 later on?

27 A. Not that he had something to do with
28 the establishment of it, but what influenced my own
29 personal attitude, Mr. Lalonde, was the influence
30 that Johnson had with the executive of that organization.



1 At that time I received a letter from Captain Rolla
2 Johnson addressed to myself.

3 Q. What date?

4 A. June 14th, 1956.

5 Q. Yes?

6 A. "Dear Sir:

7 "In the course of our meeting
8 with the Great Lakes Pilots Association
9 of Canada whereby they have agreed to co-
10 operate in the retraining of pilots speci-
11 fying their qualifications to sail as
12 masters and for the safety of navigation,
13 we are asking your cooperation in placing
14 a qualified master aboard a vessel with
15 your pilot aboard, who after two or three
16 trips would endorse him to be working
17 alone.

18 "We are putting every effort
19 forward to prevent a duplication of some
20 of the tragic accidents of the past.

21 "I hope that you will give us
22 your full cooperation.

23 "I remain,

24 "Rolla Johnson"

25 International Vice-President
26 Great Lakes and St. Lawrence
District"

27 Q. Yes?

28 A. That is the sort of thing that I was
29 opposing.

30 Q. I see. Prior to the set-up of this



1 Great Lakes Pilots Association of Canada did the
2 pilots have any Association? I submit to you they
3 had none. They were dealing directly with ---

4 A. You have got to understand the situa-
5 tion, Mr. Lalonde, in that the majority of the sailing
6 masters prior to that time were on contract to the
7 individual companies.

8 Q. That is it. They had individual
9 relationships with agents?

10 A. They were on contract, correct.

11 Q. And they had no Association of their
12 own nor the tour-de-role pilots also at the time?

13 A. Yes, as far as I know.

14 Q. And in the case of the tour-de-role
15 pilots it was a matter of negotiating with the Shipping
16 Federation, I presume, on a certain tariff; is that
17 correct?

18 A. Not the individual pilots. They had
19 a spokesman. I do not recall what sort of an Associa-
20 tion they had, but they had some ---

21 Q. I submit to you that they had no
22 Association.

23 MR. BRISSET: You said they had a
24 spokesman. Who was he?

25 MR. LALONDE:

26 Q. Captain Garrett, was it not?

27 A. Captain Garrett was one of the men we
28 had dealings with.

29 Q. Do you remember having had corres-
30 pondence with Captain Garrett?



1 A. Yes.

2 Q. And do you remember having received a
3 letter from him addressed to you dated January 6, 1956,
4 signed by Captain Frank Garrett which began:

5 "As you are no doubt aware, the lake
6 masters have formed an Association to be
7 named the Great Lakes Pilots Association of
8 Canada to be operated out of Kingston with
9 head office at Port Colborne, Ontario,"
10 and so on -- which meant at the beginning of 1956,
11 although they did not have a charter, they had started
12 organizing themselves as the Great Lakes Pilots
13 Association?

14 A. Yes. I recall, Mr. Lalonde, that
15 they had some spokesman and some sort of organization.
16 Whether it was certified or not -- evidently it was
17 not.

18 Q. I am showing you a series of letters
19 between January 6, 1956, to a later -- you might be
20 able to find the date; there is no date on it -- from
21 you to Captain Garrett after February 7, 1956, con-
22 cerning the request by pilots for better working con-
23 ditions. Do you remember having received that cor-
24 respondence?

25 A. Just give me a minute, Mr. Lalonde.

26 Q. Yes, you might look at it over lunch,
27 if you wish.

28 THE CHAIRMAN: Shall we adjourn or
29 not?

30 MR. LALONDE: It is one o'clock.



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THE CHAIRMAN: Then we will adjourn

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now until 2.30 this afternoon.

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---Luncheon adjournment.

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1 ---Upon resuming at 2.30 p.m.

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3 MR. MASON: My lord, I wonder if I might
4 take a few moments to file with Mr. Nadeau certain
5 exhibits.

6 THE CHAIRMAN: Right.

7 MR. MASON: They arise out of the presen-
8 tation of the brief of the Dominion Marine Association.
9 The first one is Exhibit 1135, it is a list of the
10 directors of the Dominion Marine Association for the
11 years 1963 and 1964. The second is Exhibit 1136,
12 which is a copy of the letters patent incorporating
13 the Dominion Marine Association. Annexed thereto
14 are the bylaws of the Association. Exhibit 1137 is
15 a list of vessels registered with Dominion Marine
16 Association. Exhibit 1138 is a list of trips made
17 by vessels of the Quebec and Ontario company. Exhibit
18 1139 relates to certain correspondence between Captain
19 Tishart of Upper Lakes Shipping and the Supervisor of
20 Pilots.

21 THE CHAIRMAN: This is in regard
22 to the relief officer?

23 MR. MASON: Yes, my lord. Exhibit
24 1140 is a list of trips made by vessels of Upper Lakes
25 Shipping Limited, 1962/1963, and Exhibit 1142 is a
26 copy of the special time agreement in home trade,
27 inland or minor waters.

28 THE SECRETARY: I take it, Mr. Mason,
29 that the exhibit on the salaries of ships' masters
30 which was given No. 1141 and marked "Confidential" will



1 be produced?

2 THE CHAIRMAN: This is being dis-
3 cussed between Mr. Mason and Mr. Lalonde.

4 MR. LALONDE: We have reached an
5 agreement for all practical purposes.

6 THE CHAIRMAN: So would the document
7 need to be made confidential, the one you are going to
8 have?

9 MR. LALONDE: I do not suppose so.
10 What is your view?

11 MR. MASON: I would like to see it
12 held confidential, my lord.

13 THE CHAIRMAN: On the agreement that
14 we had, that it is going to be obtainable by counsel
15 with the agreement that we will not divulge the names
16 and so on.

17 MR. MASON: That is satisfactory.

18 MR. LALONDE: May we delay this thing
19 until after the adjournment?

20 THE CHAIRMAN: That is all right.
21 You will make a statement on that, as I said this
22 morning?

23 MR. LALONDE: We have not settled
24 that as yet.

25 THE CHAIRMAN: And the number is 1141.

26 THE SECRETARY: You might also check
27 the description I have given to this exhibit, if it
28 is to be changed or not.

29 THE CHAIRMAN: There is also the
30 question of the extract of the Minutes.



1 MR. MASON: We will file that.

2 THE CHAIRMAN: We gave it a number
3 this morning ---Exhibit 1283.

4 MR. JACQUES: I should like to file
5 an additionto Exhibit 744, the revised rules for the
6 tour-de-role of District No. 1, and the Cornwall
7 District. They were revised on the 5th March, 1964.

8 THE SECRETARY: The original exhibit,
9 my lord, was filed in Montreal by Captain Edwards on
10 October 3rd, 1963.

11 ---Addition to Exhibit No. 744: Rules for the
12 tour-de-role of District
13 No. 1 and the Cornwall
14 District revised on 5th
March, 1964.

15 CAPTAIN J. E. MATHESON, recalled

16 CROSS-EXAMINATION BY MR. LALONDE, cont'd

17 Q. Captain Matheson, did you have time
18 to look at the correspondence which I mailed you?

19 A. Yes, I did.

20 Q. Are these true copies of the corres-
21 pondence exchanged between Captain Garrett and yourself
22 at the time?

23 A. Yes.

24 MR. LALONDE: I would like to file
25 these letters in a bundle as Exhibit 1285.

26 Q. Do you have the date of the latest
27 letter? Did you find this in your records?

28 Well, we will entitle it Exchange
29 of Correspondence between Captain Garrett of the
30 Great Lakes Pilots Association and Captain Matheson



1 of the Shipping Federation in January and February
2 of 1956.

3
4 ---EXHIBIT NO. 1285: Exchange of correspondence
5 between Capt. Garrett of
6 the Great Lakes Pilots Asso-
7 ciation and Capt. Matheson
8 in January and February of
9 1956.

10 THE SECRETARY: That is in connection
11 with what?

12 MR. LALONDE: Working conditions of
13 sailing masters.

14 Q. Now, I would like you to refer also to
15 the correspondence which you filed and especially the
16 report which is part of Exhibit 1218. That is the
17 report which Mr. Gerin-Lajoie prepared on behalf of
18 the Association, I understand?

19 A. Yes.

20 Q. It is stated on page 3 that during
21 the same period of 1952 to 1956 the rate of pay for
22 tour-de-role pilots has remained unchanged at
23 \$25 per day on ship, the only change made in 1955
24 having regard to expenses referred to later in this
25 memorandum?

26 A. Yes.

27 Q. Would that be a correct representation
28 of the situation between 1952 and 1956 -- that is, that
29 the salary of the tour-de-role pilots had been made the
30 same?

A. Yes. In 1955, I believe it was.

Q. You have a payment of \$2.50 for ex-
penses; is that correct? This is referred to at



1 paragraph 18, page 5, of the memorandum?

2 A. Yes. The situation as far as I
3 can remember was that the pilots asked at that time
4 to have the rate raised to \$27.50 with \$2.50 for
5 expenses and we settled for \$27.50 without expenses.

6 Q. I see. Previous to that they could
7 charge their own expenses, their actual expenses?

8 A. That is correct. That was made a
9 flat rate.

10 Q. Twenty-five dollars plus actual ex-
11 penses?

12 A. Yes.

13 Q. And now it was \$27.50 including
14 expenses in 1955?

15 A. Exactly.

16 Q. You mentioned that masters of ocean
17 ships sometimes trained the younger men, the younger
18 sailing masters. How many instances do you have of
19 such occurrences?

20 A. What date was that?

21 Q. You did not mention a date. You said
22 the younger men were trained by masters of ocean ships.

23 A. I think we were referring to 1958
24 when we were operating pilotage.

25 Q. I see.

26 MR. BRISSET: Will you give us the
27 reference to this statement?

28 MR. LALONDE: It is in evidence.

29 THE WITNESS: I think, Mr. Lalonde, as
30 far as I can recall I was referring to when we were



1 operating pilotage.

2 MR. LALONDE: The statement was made
3 in connection with the text on page 8, and my good
4 friend Mr. Jacques has made a note of the same state-
5 ment, so ---

6 MR. JACQUES: You made that statement
7 in connection with the following quote from page 8 of
8 your brief, and I quote:

9 "In later years, as traffic increased
10 and the demand for sailing masters became
11 greater, younger men with less experience,
12 but none the less capable, entered the ser-
13 vice and a sizeable pool of sailing masters
14 became available."

15 That is in connection with that statement?

16 THE WITNESS: Yes, that is substan-
17 tially correct.

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1 Q. How many instances did you have of
2 that in 1958?

3 A. Before 1958 that was the sailing
4 masters.

5 Q. Yes?

6 A. That was the period I described in my
7 evidence, Mr. Lalonde, when we were using retired and
8 semi-retired masters that had vast experience all
9 over the Lakes.

10 Q. Yes.

11 A. But with the increase in tonnage
12 and increase in number of ships into the Great Lakes
13 that pool or the men that were available to us became
14 exhausted with the increased number of ships; secondly,
15 we had to get younger men, and these younger men
16 were competent and capable in every respect for the
17 job, but didn't have the wide experience that the
18 retired masters and semi-retired masters had. The
19 ships that they were assigned to at that time had
20 been trading into the Lakes for years, the ocean masters
21 and the ocean masters in many cases gave pilots the
22 necessary knowledge and experience coming into ports
23 with these pilots that they had never been into
24 before. That is what I meant.

25 Q. You mean to say the sailing masters
26 you took were not taken from the Lake ships?

27 A. Yes, but these lake ships were con-
28 fined to different parts of the lakes, Mr. Lalonde.
29 And, there is another aspect, sometimes we were
30 interested in younger men. There was new era and



1 we were interested in younger men and sometimes we
2 employed Mates. It was described, I think, in Montreal
3 that the Mates took one part of the restricted area
4 and the Masters took the more difficult part. Con-
5 sequently, certain parts that the Master doesn't
6 become familiar with.

7 MR. BRISSET: Mates?

8 THE WITNESS: Mates.

9 MR. LALONDE: Who told you so?

10 A. That is general information from
11 pilots, from ship masters. Frequently I get reports
12 from ship masters he was a splendid pilot and could
13 pilot, but had never been into such and such a port
14 before and I said, "that's all right, you had been
15 there several times, and the next time he goes there
16 he will know all about it."

17 Q. Now, you say you felt that sometime
18 in 1957 there would be more efficient pilotage if the
19 contract system was abolished. Isn't it a fact
20 the pilots were pressing for abolition of this system
21 also?

22 A. I don't think we had too much
23 difficulty in eliminating this contract sailing masters.
24 I think it was more or less a mutual --. It was
25 promoted -- the abolishing of that system was promoted
26 principally by the Federation. We felt we couldn't
27 carry on with it.

28 Q. Now, in 1958 the documents which
29 you have filed seem to indicate that your decision
30 to change the operation from sailing masters all over



1 the Lakes to restricted waters was taken pretty early
2 in 1958. It wasn't the case, or could have been at
3 the end of 1957; do you remember?

4 A. It was considered by myself at the
5 end, sometime during the last few months of 1957.

6 Q. Yes?

7 A. It was not decided upon as far as I
8 can recollect until very early in 1958.

9 Q. I see. And you had, I understand,
10 various meetings at the beginning of 1958, early 1958,
11 with the Department of Transport in connection with
12 this project?

13 A. Yes.

14 Q. Correct. Now, from the documents which
15 you have filed, and I am referring particularly to
16 Exhibit 1223, which are Minutes of the meeting of
17 the Pilotage Committee of the Shipping Federation of
18 Canada, March 31, 1958. I am quoting from the last
19 paragraph of Page 2:

20 "Captain Matheson proceeded at this
21 point to explain at length to Captain
22 Johnson and the pilots the benefits
23 inherent in the Federation's proposal
24 for a restricted area pilotage for
25 all concerned; in answer to which,
26 Captain Johnson agreed to obtain the
27 views of his membership towards
28 same, but due to their not having
29 any advanced notice of the proposal,
30 he was of the opinion that consider-



1 ation by the membership would take
2 until May before a decision could
3 be reached. When questioned on what
4 the position would be until this
5 decision was made known, Captain
6 Johnson confirmed that no strike
7 action would be taken and the arrange-
8 ment for Sailing Masters would remain
9 as heretofore until such time as
10 negotiations between the Federation
11 and the Sailing Masters were termin-
12 ated. He continued by advising that
13 in the case of rejection of the
14 Federation's proposal by the Sailing
15 Masters and their decision to this
16 effect forwarded to the Federation,
17 negotiations would be considered
18 terminated."

19 It would appear from this that it is only on March
20 31st, 1958, that you advised the Sailing Masters that
21 the system was going to be very strongly changed,
22 a very different operation from the previous year;
23 is that correct?

24 A. It was discussed at that time,
25 Mr. Lalonde, but I seem to think that there was in-
26 dication given to the pilots before that of what we
27 intended to do, but I don't know if it was formally
28 discussed at a meeting before that.

29 Q. I submit to you you won't find
30 anything which will support this statement in your



1 files?

2 A. Probably not, but that doesn't mean to
3 say it wasn't discussed or indicated to the pilots
4 what we had in mind.

5 Q. Now, this was pretty late in the
6 season, wasn't it? The season would open about fifteen
7 days later?

8 A. I think at that time -- about the
9 middle of April.

10 Q. Yes?

11 A. Third week in April.

12 Q. Now, nevertheless you proceeded with
13 your scheme eventually and when there was a strike
14 or lockout, according to the point of view of the pilots
15 concerned, in effect then there were representations
16 made to the Shipping Federation by the Department of
17 Transport; by the Mayor of Chicago; by Dominion Marine
18 Association, for some form of mediation or an inquiry
19 into the matter?

20 A. Yes.

21 Q. And, I refer you to Exhibit 1232,
22 that is a letter by Mr. John J. Morrison, Manager
23 Dominion Marine Association, to yourself, dated April
24 23rd, 1958.

25 A. Yes.

26 Q. Page 2 says:

27 "In the first place, for the reasons
28 which we have outlined in this letter,
29 we feel that this problem would form
30 an important item on the agenda of



1 any investigating body set up by
2 the Government. Secondly, while the
3 pilotage plan itself may work, it
4 seems probable that your member
5 companies will be faced with diff-
6 iculties in the way of sympathy strikes
7 by longshoremen and other parties,
8 which difficulties may overcome any
9 saving which the new plan may give
10 them. Thirdly, we are informed by
11 the Sailing Masters of their willing-
12 ness to participate in a Government
13 inquiry and to carry on their duties
14 as before pending the result of such
15 inquiry. In these circumstances we
16 would suggest that the most satisfactory
17 solution in the long run would result
18 from a formal investigation."

19 Q. I understand you turned down this
20 proposal; is that correct?

21 A. Yes.

22 Q. Now, you said that in 1958 when you
23 proceeded to recruit people you said all contract
24 pilots were contacted first; do you remember that?

25 A. All --

26 Q. Contract pilots, contract sailing
27 masters?

28 A. No, I didn't say that. There were
29 no contract sailing masters then. They had been ab-
30 olished before that. They were all tour-de-role.



1 Q. In 1958?

2 A. Yes.

3 Q. That is right. You are right. Re-
4 ferring to Page 16 of your brief, I notice in the list of
5 people to whom you sent telegrams some names are
6 missing and Captain Sisty is one. Was it because you
7 found him unacceptable or some other reason, or was
8 he just forgotten?

9 MR. BRISSET: I suggest that you look
10 up your personal list which you indicated, Captain.

11 THE WITNESS: There may be something
12 on my worksheet, Mr. Lalonde.

13 MR. LALONDE: Yes.

14 A. No, my lists indicate that he was
15 included in the telegrams that went out as No. 24 in
16 one list and the next --

17 Q. I submit to you that Captain Sisty
18 doesn't appear on No. 33, people whom you considered
19 eligible.

20 MR. BRISSET: May I mention Captain
21 Sisty from Exhibit 1077 was in fact engaged as a pilot
22 in that district. His first date of work being
23 June 7, 1958.

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1 Q. Exactly. He was employed only when it
2 was found there were not enough men two months after
3 the season started.

4 A. I am trying to recall ---

5 Q. Excuse me. I show you Exhibit 1228
6 which is a list of persons to whom telegrams were sent?

7 A. Yes.

8 Q. Offering them employment. I submit
9 to you that the name of Captain Sisty is not there and
10 that in fact Captain Sisty was never invited.

11 A. I will take your word for that. My
12 work list shows that he was marked as eligible to
13 come in to the new set-up, and as far as I can recall --
14 I am not sure of this -- but there was some reason
15 if the wire didn't go out, and I seem to think that
16 he had taken a vacation on his own and gone down to
17 the States.

18 I couldn't swear to this, my lord, but I
19 don't think that he was available at that time.

20 Q. I submit to you Captain Sisty was in
21 Kingston all that time.

22 A. Well, I am wrong, but I can assure you
23 I have nothing that would indicate he should not get a
24 telegram, Mr. Lalonde, because he is marked here.

25 Q. You eliminated eight over sixty?
26 You found that sixty was the proper retirement age
27 at that time?

28 A. Yes.

29 MR. BRISSET: Would you check whether
30 it is true that you eliminated eight over sixty? I



1 don't think the evidence is to that effect.

2 THE WITNESS: The evidence I gave,
3 three U. S. sailing masters and fifteen over sixty.

4 Q. Fifteen over sixty? That is still
5 worse.

6 MR. BRISSET: How many of those
7 fifteen were over sixty-five

8 THE WITNESS: Thirteen over sixty-five.

9 Q Thirteen over?

10 A. Over sixty-five.

11 Q. Yes, I submit to you, however, that
12 on the list you submitted as Exhibit 1228, eight of
13 those persons were over sixty in fact?

14 A. Not according to my information.

15 MR. JACQUES: I might suggest, if
16 they eventually became district pilots we would have
17 somewhere in our exhibits a list showing the date of
18 birth, I believe.

19 Q. Wasn't Captain Anderson over sixty?
20 J. R. Anderson.

21 A. J. R. Anderson was sixty. The age
22 I have got for him down here, Mr. Lalonde, is sixty.

23 Q. Somers?

24 A. Somers, sixty.

25 Q. Hawthorne?

26 MR. BRISSET: What is the name?

27 THE WITNESS: Hawthorne is sixty-two.
28 G. Hawthorne.

29 Q. How old was W. J. Parker?

30 A. William J. Parker was sixty.



1 Q. And W. G. Simpson?

2 A. W. G. Simpson was fifty-six.

3 Q. And Norman Somers?

4 A. Norman Somers was fifty-six.

5 Q. Yes. And R. A. Wright?

6 A. R. A. Wright was sixty-four.

7 MR. BRISSET: All these were sent telegrams
8 according to the telegram of April 16th even
9 though they were over sixty with the exception of two.
10 There seems to be something wrong in your figures,
11 Captain.

12 Q. Now, when you travelled to organize
13 the district of Port Weller-Sarnia you were accompanied
14 by Captain Jones, I think you said?

15 A. That is right.

16 Q. Captain Downey was with you, wasn't
17 he?

18 A. That is correct.

19 Q. Captain Downey had not been connected
20 with pilotage operations on the lakes for a couple
21 of years in 1958? At least one year?

22 A. Captain Downey as you will recall,
23 operated his dispatching for the Federation at Kingston
24 in connection with sailing masters.

25 Q. Until 1957?

26 A. 1957.

27 Q. In 1957 it was operated by the De-
28 partment?

29 A. It was operated by the Federation under
30 arrangement with the Department.



1 Q. Under an agreement?

2 A. Correct.

3 Q. That is Captain Downey had nothing
4 to do with it in 1957?

5 A. Correct.

6 Q. Then you have Exhibit 1243, please?
7 You have produced as Exhibit 1243 a report of Captain
8 Graves which seems to be a report of a trip on the
9 lakes and the St. Lawrence River district. Could you
10 tell me how you came into possession of this report?
11 It seems to have been a trip aboard a ship called
12 OPHELIA?

13 A. Yes. I can't recall. I recognize
14 my name on it but I can't recall. That is my writing
15 in fact.

16 Q. That is your name on the top?

17 A. And my writing, yes.

18 Q. You complained about difficulties,
19 or shall we call them trouble created about the pilot
20 boat in Port Weller-Sarnia by the authorities during
21 1958? Do you remember that?

22 A. That is correct.

23 Q. Have you considered the report of
24 Captain Graves about this particular pilot boat at
25 pages 4 and 5 of this report? Do you remember having
26 taken notice of these remarks?

27 A. I read the report at the time, but I
28 just forget what they are now. It is some con-
29 siderable time since I read that.

30 MR. BRISSET: Weren't there two pilot



1 boats?

2 THE WITNESS: Two pilot boats, yes.

3 Q. With which one did you have particular
4 difficulty?

5 A. I can't recall now.

6 Q. Was there not in fact only one pilot
7 boat, and if that one broke down there would have been
8 then a fish tug to serve as a pilot boat?

9 A. Well the fish tug was the first pilot
10 boat that was there.

11 Q. I see.

12 A. Subsequently we got a new pilot boat
13 that was built along the lines of a yacht.

14 Q. That is the one with which you had
15 difficulty?

16 A. I can't recall.

17 Q. About which difficulties were created?

18 A. I can't just recall which one. I be-
19 lieve it was the new one.

20 Q. Was the new one the LILY MAY, and
21 didn't she have this shape?

22 A. Yes. Don't let it go too fast here,
23 Mr. Lalonde. There was one of the other boats, the
24 fish boat, there was a new engine in it.

25 Q. Yes?

26 A. I can't recall -- if you are talking
27 specifically about the trouble with the engines, I just
28 can't recall whether it was the new one or a new engine
29 or a fairly new engine that was in the fish boat. I
30 am not quite sure on that.



1 Q. I won't take the trouble to read or
2 the time of the Commission to read this. I would
3 refer the Commission to the comments made about this
4 pilot boat on pages 4 and 5, the remarks made by
5 Captain Graves about certain inadequacies of this
6 ship.

7 Now, you filed as Exhibit 1244 a
8 memo of June 2nd, 1958, by Captain Matheson concerning
9 a meeting with Mr. Booth. Memorandum re telephone
10 conversation with Mr. C. S. Booth, Assistant Deputy
11 Minister.

12 How were your relations with Mr. Booth?
13 I am speaking in terms of the Shipping Federation.

14 A. I don't just know what you mean. In
15 what regard, Mr. Lalonde?

16 Q. What?

17 A. In what regard what was our relation-
18 ship?

19 Q. Did you have close relations with Mr.
20 Booth? Did you have very friendly relations with Mr.
21 Booth?

22 A. Well, it all depends. I hope that I
23 have always had friendly relationships with all the
24 officers of the Department of Transport.

25 Q. Were they friendlier with Mr. Booth
26 than with some others?

27 A. I wouldn't say so.

28 Q. Now, do you remember Captain Vallejo
29 and either Captain McCorkell or Captain Fleming who
30 were American, let us call them, sailing masters I



1 suppose, who were actually employed by one of the com-
2 panies which is a member of the Shipping Federation
3 during the course of 1960 as pilots between Cornwall
4 and Kingston?

5 A. Are you referring to Captain Pilot
6 Fleming?

7 Q. Yes, and Captain Vallejo.

8 A. I don't recall the other name, Mr.
9 Lalonde.

10 Q. You don't recall the Home Line having
11 employed these persons in 1960 as special pilots or
12 sailing masters?

13 A. Home Line, no, I can't recall that.
14 They were employed I believe at one time or another by
15 some of the American companies that had started going
16 into the lakes and they were engaged through New York,
17 but I can't remember the Home Line.

18 Q. Vax Home? Do you know which company
19 owns that ship?

20 A. Swedish-American Line.

21 Q. I am sorry, it is not the Home Line.
22 Were you aware that that company was employing American
23 people as pilots or sailing masters between Snell Lock
24 and Kingston in 1960?

25 A. No. I think I gave it in my testimony
26 that some of our own members were employing American
27 pilots and I was able to stop that, and the only leak
28 then was with Canada Steamship Lines, and then I made
29 representation to that company and got the cooperation
30 of them, Mr. Lalonde, so it is possible that that may



1 have happened.

2 MR. BRISSET: In fact wasn't there
3 some strange tactics being employed at the time by
4 some pilots who wanted to offer their services to
5 ocean ships in that area?

6 THE WITNESS: Oh, absolutely. That
7 is the thing that I tried to stop as far as ships I
8 control myself.

9 MR. LALONDE: What do you mean "strange
10 things"?

11 MR. BRISSET: Well, boarding ships
12 and more or less enforcing themselves on the ships.
13 Is that not the case?

14 THE WITNESS: Yes.

15 Q. You are referring to American people?

16 A. American people that were very anxious
17 to get this return trip through the district to have
18 their licences validated.

19 Q. You remember taking complaints to Mr.
20 Booth when the pilots on the St. Lawrence River started
21 organizing themselves into a Corporation?

22 A. What year was that? Will you give
23 me some assistance?

24 Q. Between 1957 and 1960, I suppose.

25 A. Specifically, no, I don't. I couldn't
26 nail it down. I just couldn't pin it down to Mr. Booth.

27 Q. Can you pin it down to somebody else?

28 A. Well, I was having discussions from
29 time to time with all of the officers of the Depart-
30 ment, including Captain Slocombe.



1 Q. Now, you stated this morning and
2 stated correctly that the American pilots Associations
3 have pools and the expenses were deducted, were being
4 distributed to pilots and all that. You assisted in
5 the formation of these associations? Did you find
6 anything sinister about that? That is, about the
7 operation of the American Association?

8 A. I don't think so.
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1 Q. At page 36, at the end of the third
2 paragraph, you say:

3 "The Shipping Federation further issued
4 references to all these pilots who had served
5 the ships so well the previous year."

6 I think you probably corrected this statement in your
7 evidence when you said, I think, that all those who
8 would ask the dispatcher for references would be given
9 them and is it not what happened in fact? I submit
10 to you that it is not correct to say that references
11 were issued to all those who had served you the
12 previous year.

13 A. I think my instructions to Captain
14 Crawford were that all those who wished -- who had
15 served the previous year and wished to have testi-
16 monials that he was authorized to give them refer-
17 ences.

18 Q. At page 37 you say that the last one
19 to be selected at the examination which took place on
20 April 2nd was the dispatcher Captain L. H. Crawford.
21 I mean, were they selected by order of priority?
22 How can you say he was the last one? That is at the
23 middle of the page.

24 A. Yes, I see it. Well, I think that at
25 that time there was a possibility that Captain Crawford
26 would not be accepted at all and we made very, very
27 strong representations to Mr. Hees, who was the
28 Minister of Transport, about Captain Crawford being
29 taken in.

30 Q. But you did not make the representations



1 to the Board of Examiners?

2 A. No.

3 Q. You made representations before the
4 examination took place just in case Captain Crawford
5 would have difficulty; is that correct?

6 A. Yes. We had some evidence -- there
7 was some belief that there was going to be difficulty
8 in that connection.

9 Q. When you say that he was the last one
10 in your text on page 37 you have no evidence to support
11 such a statement?

12 MR. BRISSET: My lord, we have the
13 evidence contained in Exhibit 1077 where for the month
14 of April, 1959, the name of Captain Crawford appears
15 as No. 20 -- the last one taken in during that month.

16 MR. LALONDE:

17 Q. The last one taken in? Do you know
18 how many pilots were to be accepted? You said here
19 nineteen pilots were accepted.

20 MR. BRISSET: It was twenty -- no.
21 There is a mistake in the record. No. 18 is blank.
22 So with Captain Crawford as No. 20 there are only
23 nineteen.

24 MR. LALONDE:

25 Q. Is it not a fact that before 1958
26 Captain Crawford had never been a pilot in the district
27 or on the Great Lakes -- was never a sailing master?

28 A. That is correct.

29 Q. And in 1958 he was dispatcher and
30 could only make a certain limited number of trips?



1 A. He was employed extensively in the
2 Welland Canal. He was familiar with other ports of the
3 lakes, Mr. Lalonde, and as a result of experience he
4 gained in the Welland Canal he was an expert ship
5 handler as a result of that experience. And that is
6 the basic requirement for a pilot -- a good ship handler.

7 Q. Were you ever aboard a ship with him?
8 Did you ever see him handle a ship?

9 A. I was never aboard a ship with him,
10 no.

11 Q. At page 62 at the top you say:
12 "Undue detention of pilots in port with
13 the vessel at her berth or at anchor with the
14 pilot on board at times for days and weeks."
15 Can you tell me when in 1963, for instance, a pilot
16 was detained on board for weeks? How many instances
17 do you have?

18 A. Well, we had instances where pilots
19 were aboard for ten days at a time in Detroit.

20 Q. In 1963 or 1958?

21 A. 1962.

22 Q. 1962?

23 A. Yes.

24 Q. You had one instance?

25 A. There is one instance of that, but I
26 know the record of detentions for 1962 was pretty
27 extensive detentions. I have not analysed all the
28 detentions, Mr. Lalonde, but they were pretty ex-
29 tensive and there was no improvement in 1962.

30 Q. What you have filed under "Detentions"



1 is the total number of hours, but there is nothing that
2 says here that a pilot would be detained for days or
3 weeks. Where? It seems a substantial number
4 indeed in Detroit and Cleveland and Toledo, but I
5 submit to you that there is no evidence that men were
6 detained for weeks, as you assert here.

7 Now, at page 84 of your brief,
8 paragraph 6, you say:

9 "Consideration should be given to the
10 elimination of District No. 2 pilotage pool
11 for the reason that the exorbitant adminis-
12 trative and legal expense of this pool
13 cannot be justified."

14 Is not the counsel for the Pilots Association in Dis-
15 trict 2 the same Mr. Fredin whom you employed yourself?

16 A. We employed him on one occasion to do
17 a particular job.

18 MR. BRISSET: Is he still connected
19 with that particular pool or association to your know-
20 ledge as an officer?

21 THE WITNESS: Not as an officer, but
22 he is consulted as counsel for that organization.

23 MR. LALONDE: Is he also consulted
24 by the Shipping Federation?

25 THE WITNESS: No, sir.

26 THE CHAIRMAN: Mr. Lalonde, your
27 cross-examination is finished?

28 MR. LALONDE: Yes, my lord.

29 THE CHAIRMAN: I see Mr. Langlois is
30 not here.



1 MR. LALONDE: Mr. Langlois was forced
2 to leave, but he told me he would have no questions to
3 ask, my lord.

4 THE CHAIRMAN: Are there any further
5 questions of Captain Matheson?

6 MR. MASON: I just have one.

7 THE CHAIRMAN: Yes, Mr. Mason.

8
9 CROSS-EXAMINATION BY MR. MASON:

10 Q. Captain, in your statement of policy
11 in respect to problems of pilotage in the Great Lakes
12 dated February 9th, 1960, and attached to your brief,
13 you advocated on page 4 that vessels coming up into
14 the lakes be inspected. This matter was referred to
15 in Mr. Colley's evidence yesterday. I take it that
16 you do not feel that it is necessary at the time of
17 this inspection to have any examination as to the
18 officers' knowledge of the rules of the road of the
19 Great Lakes; is that correct?

20 A. Oh, yes, we would strongly advocate
21 that the officers' knowledge of the Great Lakes rules
22 of the road be investigated and that some competent
23 authority give its assurance that the master or
24 officers on the ship have very familiar knowledge of
25 the Great Lakes rules of the road -- definitely so.
26 That is included in the examinations we envisage.

27 Q. Do you also envisage in this examina-
28 tion some test as to the ability of the navigation
29 officers to use the radiotelephone -- an examination
30 on radiotelephone procedure?



1 A. No, but examinations as to his know-
2 ledge of speaking the English language.

3 Q. Would you see any merit in extending
4 this examination of his fluency in the English language
5 to include proper voice procedure in using the radio-
6 telephone?

7 A. I would see no objection to that at
8 all.

9
10 RE-EXAMINATION BY MR. BRISSET:

11 Q. If I may pursue the same question, in
12 other words you would want to have all the watch-
13 keeping officers examined as to their knowledge of
14 the rules of the road as compared to the present
15 system which requires only one officer to qualify
16 for a B certificate?

17 A. Correct. It is a watch-keeping
18 function and these officers have four on and four off
19 at sea. I do not think it is too much, while there
20 are differences in the international rules of the road
21 and the Great Lakes rules of the road, for the officers
22 to be expected . . . They are actually under the
23 international rules of the road expected to be
24 familiar with any local rules including those in the
25 Great Lakes rules of the road.

26 Q. Now, Captain, you were asked by my
27 friend Mr. Lalonde whether you saw anything sinister
28 in the American corporation set-up. Do you recall
29 this?

30 A. I do.



1 Q. Do you also recall that at the time
2 of one of the hearings in Washington we were sitting
3 in a room of the Shoreham Hotel with Captain Lowe of
4 the American Pilots Association, Mr. Guy Chartier of
5 the St. Lawrence/Kingston Pilots and Mr. Gerin-Lajoie,
6 and Mr. Lowe was explaining to Mr. Chartier and Mr.
7 Lajoie the workings of the American corporations?
8 Do you recall this?

9 A. I do.

10 Q. Do you recall also that one point
11 which he stressed was that the finances of the American
12 corporations had to be audited every year by the
13 State Commissioners and the results had to be made
14 public?

15 A. Yes, I do.

16 Q. Now you were told, Captain, or you
17 were reminded that at the time of the 1958 difficulties
18 with the sailing masters you had turned down an
19 offer of mediation of the Dominion Marine Association?

20 A. Yes.

21 Q. Is it not a fact that at that time
22 the hearings on the first pilotage Bill of the United
23 States had taken place in January of 1958?

24 A. Yes, they had.

25 Q. You were present at these hearings,
26 of course?

27 A. I was, yes.

28 Q. You had learned, I take it, then of
29 the recommendation of the Lake Carriers Association
30 to perpetuate the sailing master system?



1 A. Yes.

2 Q. In support of the bill?

3 A. Yes.

4 Q. Had that anything to do with your
5 refusal to consider the mediation proposal of the
6 D.M.A.?

7 A. Of course it had quite a bit bearing
8 on it.

9 Q. Did you feel at the time that there
10 was urgency to prove that the restricted water pilotage
11 system you wanted to put into effect could work?

12 A. Yes. There was desperate urgency
13 to get it put into effect and proved to all concerned
14 that it was workable.

15 MR. LALONDE: I am referring to
16 the letter of Mr. John Mahoney stating the point of view
17 of the Dominion Marine Association is quite different
18 from the stand taken by the Lake Carriers Association.
19 Is that not the case?

20 THE WITNESS: The letter would cer-
21 tainly indicate that situation, but the Great Lakes
22 Carriers Association at all times said when the Bill
23 was being debated that the Dominion Marine was en-
24 tirely behind them.

25 MR. LALONDE: I see; so you did not
26 believe the statement of Mr. Mahoney when he wrote to
27 you on April 23rd, 1958, Exhibit No. 1232, and de-
28 clared:

29 "As to the merit of the opposing
30 claims in this matter we would point out



1 that the recommendations of our Navigation
2 Committee to officials of the Department of
3 Transport were to the effect that any future
4 legislation on the subject of pilotage on
5 the Great Lakes should require a pilot to
6 be in charge of the navigation of foreign
7 flag vessels at all times on their voyage
8 above Montreal except on the open waters
9 of the lakes. This conforms with our
10 understanding of the Federation's recom-
11 mendation and also appears to conform
12 with the restricted pilotage area plan
13 which you are now developing.

14 "To this, however, we must add that
15 our recommendation was and is based on the
16 assumption that foreign ship masters would
17 not only be familiar with the rules of the
18 road for the Great Lakes but that they would
19 abide by those rules, and that other vessel
20 operators would have some assurance that
21 the foreign vessels were so qualified.
22 In subsequent discussions the Federation
23 has made it clear that it advocates the
24 abolition of the rules of the road for the
25 Great Lakes as are on record as being
26 opposed to the abolition of these rules and
27 our American counterparts, the Lake Carriers
28 Association, is also on record to the same
29 effect."

30 I am referring mainly to the first



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1 paragraph. You did not believe what Mr. Mahoney
2 wrote you there?

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1 A. Let me put it thisway: at that time I
2 was extremely suspicious of the Dominion Marine Assoc-
3 iation as regards this.

4 MR. LALONDE: I see. And I presume
5 you were also suspicious of the Mayor of Chicago and
6 the Deputy Minister of Transport due to the fact you
7 turned down their offer for mediation?

8 THE WITNESS: I think I already said
9 at that time we had no friends, Mr. Lalonde.

10 MR. BRISSET: On this subject, did
11 you have occasion to attend joint meetings of the
12 Dominion Marine Association and Lake Carriers Association
13 when the pilotage bill was discussed?

14 THE WITNESS: Yes. I had occasion
15 to attend these meetings, some of the meetings, and
16 I was amazed at what I heard.

17 MR. BRISSET: Do you recall having
18 been called to stand up in the room and mentioned as
19 an enemy?

20 THE WITNESS: I certainly do.

21 THE CHAIRMAN: Any further questions?

22 MR. MASON: Captain Matheson, were
23 you invited to the meetings you attended?

24 THE WITNESS: We gate-crashed that
25 particular meeting, but were noticed.

26 THE CHAIRMAN: We will adjourn for
27 a few minutes.

28 ---Short adjournment.

29 ---Upon resuming.

30 MR. BRISSET: My lord, to complete



1 the evidence of the Shipping Federation and its brief,
2 I have two documents to file. Perhaps one should be
3 filed by Captain Matheson. It is a letter dated January
4 6, 1956 addressed by Captain Rolla R. Johnson to Captain
5 A. Welland, Secretary-Treasurer, from which I just
6 want to quote this passage:

7 "It would be important for you to get
8 a Charter from Ottawa, and feel you
9 should go into the T. L. C. -- but
10 as I mentioned before, I did not come
11 to Canada to solicit your membership
12 but to help all I can and to work out
13 an agreement between us on a fifty-
14 fifty basis so that we would work to-
15 gether on the Treaty Negotiations as
16 a team for both our benefit and interest
17 and not fight each other. That we do
18 all we can to stop Foreign Vessels
19 from running without pilots or sailing
20 masters or having an incompetent pilot."

21 MR. LALONDE: Before my friend proceeds,
22 this is a letter between two parties which are not
23 here and I don't know how he can produce this document.
24 I don't know what value it has.

25 THE CHAIRMAN: Would you be able
26 to establish how this letter came to your hand?

27 MR. BRISSET: Yes.

28 ---Captain Matheson, recalled.

29 MR. BRISSET: Captain, I have just
30 read an extract from a letter from Captain Johnson to



1 Captain Welland, dated January 6, 1956. Can you ex-
2 plain how this letter came to your files?

3 THE WITNESS: Yes. As far as I can
4 recall this is a copy that I got from Captain Welland.
5 You will recall that I mentioned we had a very close
6 relationship between myself and the pilots at that
7 time and there was no secrets between us. That
8 letter was given to me by Captain Welland.

9 MR. BRISSET: Now, my lord --

10 THE CHAIRMAN: Is this Captain Welland
11 available?

12 MR. BRISSET: He is still a pilot.

13 THE WITNESS: He is still a pilot, yes.

14 THE CHAIRMAN: So are you satisfied,
15 Mr. Lalonde?

16 MR. LALONDE: No use disturbing him
17 for that.

18 MR. BRISSET: This letter will be filed
19 as Exhibit 1286.

20 ---EXHIBIT NO. 1286: Letter dated January 6,
21 1956.

22 MR. BRISSET: The last document I
23 would like to file before this Commission, my lord, is
24 as Exhibit 1287. This is a letter addressed to the
25 Secretary of the Commission by Captain Lejmark, I believe
26 the General Manager of the Swedish Chicago Line, dated
27 May 20, 1964, explaining that he had come here for
28 the hearings on April 14th.

29 THE CHAIRMAN: I have seen the letter.

30 MR. BRISSET: He would have liked to



1 appear before the Commission again, but could not do
2 so.

3 THE CHAIRMAN: Unfortunately he was
4 available when we adjourned. He had come all the way
5 down from Sweden to appear.

6 MR. BRISSET: I think the Secretary
7 must have the original of this letter and a number can
8 be given to it.

9 THE SECRETARY: 1287.

10 THE CHAIRMAN: The pertinent thing
11 about this letter, he says he is in full agreement with
12 the Federation brief.

13 MR. LALONDE: I hope so.

14 ---EXHIBIT NO. 1287: Letter addressed to the
15 Secretary of the Commission by
16 Captain Lejmark, dated May
17 20, 1964.

18 MR. LALONDE: My lord, I have spoken
19 to my friend, Mr. Mason, and he will try to produce
20 before this Commission the following information
21 concerning the salaries of Masters of ships, Lake
22 ships.

23 THE CHAIRMAN: Excuse me a second.
24 Do you remember the number?

25 MR. LALONDE: 1140.

26 MR. MASON: I have indicated to Mr.
27 Lalonde that we can endeavour to obtain for the usual
28 tonnage category of vessels registered with Dominion
29 Marine Association information as to the range of
30 salaries and fringe benefits paid to Masters and the



1 fringe benefits would include such items as holiday
2 pay, bonuses, sickness and other insurance benefits,
3 pensions, health and hospital insurance and any other
4 items which fit in our category. It would be a range
5 for each item, minimum and maximum, and we might show
6 an average on an industry basis.

7 THE CHAIRMAN: You are talking about
8 Exhibit 1141?

9 MR. LALONDE: It was also agreed upon,
10 my lord, they would produce information if additional
11 money was paid for pilotage to the Masters.

12 THE CHAIRMAN: So this would be furnished
13 when we sit in Ottawa in September?

14 MR. MASON: Yes, my lord. I would
15 like, if I may, to file as part of Exhibit 1283, letters
16 which have been sent to Dominion Marine Association
17 by Papachristidis Co. Ltd., Imperial Oil Limited
18 and Branch Lines Limited, indicating support of the
19 brief of Dominion Marine Association to the Royal
20 Commission on Pilotage. These three companies are not
21 members of Dominion Marine Association. Each letter
22 contains an authorization to file the letter as
23 evidence of their support and each letter contains
24 the number and tonnage of vessels operated by that
25 company.

26 MR. LALONDE: What exhibit number is
27 that?

28 THE CHAIRMAN: To be attached to
29 1283, which is copy of the Marine Brief.

30 MR. LALONDE: My lord, I don't want



1 to press my friend, but I understand it may take some
2 time before he can get the information. If it might
3 be at all possible to have the information available
4 concerning the Masters' earnings, maybe he could send
5 it to the Commission and send a copy of it to the
6 various counsel before this Commission, if it is ready
7 before September?

8 MR. MASON: It involves having the
9 information sorted out through a firm of chartered
10 accountants but as soon as it is available I will send
11 it on.

12 MR. LALONDE: I would appreciate it.

13 Witness Retires.
14

15
16 CAPTAIN RAYMOND BISSENETTE,
17 SWORN

18 DIRECT EXAMINATION BY MR. LALONDE:

19 Q. I understand, you are President of
20 the Corporation of the Upper St. Lawrence River Pilots?

21 A. That is correct.

22 Q. Which are Canadian pilots in District
23 No. 1?

24 A. That is correct.

25 Q. Did you discuss with Mr. Cary the
26 recommendations contained in the brief before this
27 Commission, Exhibit 1213, recommendations of the
28 Shipping Federation?

29 A. I think one of them was discussed.
30 The centralization of office for billing and despatching.



1 but nothing discussed about No. 2.

2 Q. I see. So you didn't discuss the
3 problem of dividing the Great Lakes into various
4 territorial jurisdictions?

5 A. No, I did not.

6 MR. LALONDE: That is all, thank you.

7
8 CROSS-EXAMINATION BY MR. BRISSET:

9 Q. Captain Bissonnette, speaking simply
10 from your personal point of view, would you be in
11 favour of the whole of District No. 1 being serviced
12 by Canadian pilots?

13 A. I think it is a very big question.
14 I think a big study would have to be made out of it
15 and I don't think I am prepared to give any statement
16 here to-day.

17 Q. I take it you would not be prepared
18 to give an answer to this question in your official
19 capacity either?

20 A. That is correct.

21 -

22
23 -

24
25 -



1 ROBERT ALAN STEVENSON, sworn

2
3 DIRECT EXAMINATION BY MR. LALONDE:

4 Q. You are president of the Corporation
5 of Professional Great Lakes Pilots? That is a group
6 of Canadian pilots in District No. 2?

7 A. Yes.

8 Q. When you testified before this Com-
9 mission you stated that the Canadian pilots had not
10 received from the Department in Ottawa, the Department
11 of Transport in Ottawa, the rules concerning prevailing
12 rate employees. Have you received those rules by now?

13 A. No, we have not received those rules
14 by now.

15 MR. LALONDE: My lord, I have asked
16 Captain Stevenson, and Captain Stevenson has asked
17 members of his group to keep a record, a detailed
18 record of their activities this year. I have with
19 me a record of the activities of seven pilots for
20 the months of April and May, 1964. These records
21 appear to be signed by the individual pilots in all
22 cases. I don't think my friend will want me to
23 subpoena all the pilots at the present time to come
24 and deposit these documents.

25 Q. I am showing you these work sheets,
26 Captain Stevenson. Will you tell me whether these
27 work sheets have been sent to you subsequent to your
28 request from your members?

29 A. Yes, they were sent to me. I sent a
30 letter to them to keep these and to leave them with the



1 secretary who is Mrs. Howie, and I picked them up
2 at Mrs. Howie's.

3 Q. I suppose these statements contain
4 essentially the number of hours of actual pilotage, the
5 number of hours on board ship and the number of hours
6 travelling or waiting for ships; is that correct?

7 A. That is correct.

8 Q. And also the earnings of each trip?

9 A. The earnings of each trip, yes.

10 Q. Have you been across Lake Erie this
11 year yourself?

12 A. I have only been across Lake Erie
13 twice myself this year. I might add that one of
14 these particular times I went up to Detour; on leaving
15 Detour I was in dense fog. I arrived at Port Huron.
16 There is no pilot available so I carried on with the
17 vessel down the Detroit, St. Clair Rivers, arriving
18 at Southeast Shoal. We were again in dense fog.
19 I don't have my source forms with me with the exact
20 time. However, it is all on my source forms. It
21 was dense fog until noon the following day.

22 I was up from 1900, Friday the 16th
23 of May, and I went to bed on Sunday noon, 17th of May.

24 Q. You had been on the bridge all the
25 time.

26 A. I was on the bridge the whole time, yes.
27 That was 41 hours.

28 Q. Even across Lake Erie?

29 A. Across the lake, yes. The fog cleared
30 at noon on Sunday and I was on the bridge that whole



1 time. Forty-one hours straight.

2 THE SECRETARY: How could you do
3 that?

4 THE WITNESS: I will tell you, Mr.
5 Nadeau. At the end of the forty-one hours I was
6 having hallucinations. I kept thinking there was
7 som body standing behind me all the time.

8 Q. Did the captain request you to stay
9 on the bridge?

10 A. Definitely, yes.

11 Q. The other trip must have been easier,
12 I am sure?

13 A. Yes, we had quite nice weather.
14 Beautiful, clear. Could see for forty miles.

15 Q. I presume you were left then on your
16 own? You could rest across Lake Erie?

17 A. Across Lake Erie, and after the river
18 I had a rest, and I got up at Thunder Bay Island and
19 did pilotage from Thunder Bay Island to Detour. I
20 took the vessel into the side of Detour and anchored
21 off what is known as Pipe Island, inside of No. 3
22 District.

23 Q. Would you give the name of these two
24 ships, the first one and second?

25 A. The first vessel was a Greek vessel
26 INVECTA.

27 Q. Is that the one where you had the
28 easy trip?

29 A. Yes, I had a comparatively easy trip.
30 Normal pilotage -- I wouldn't say it was an easy trip.



1 It was a very large vessel of 600 feet long approximately
2 and 75-foot beam. This is not an easy trip in the
3 Welland Canal with a Greek of that capacity, I can
4 assure you.

5 Q. Yes?

6 A. And the other vessel was the EPIROS.
7 It was an extended Liberty which I boarded at Detour
8 down.

9 MR. JACQUES: You said Detour, so you
10 went across Lake Huron?

11 THE WITNESS: That is right. I might
12 add I had three trips outside the canal, two of them
13 have been in unrestricted areas this year so far,
14 which is a pretty fair average.

15 MR. JACQUES: In these two cases
16 where did you board the vessel and where did you dis-
17 embark?

18 THE WITNESS: I boarded the vessel
19 at Lock 7.

20 MR. JACQUES: That is the first one?

21 THE WITNESS: Yes.

22 MR. JACQUES: Yes?

23 THE WITNESS: And disembarked at
24 Detour. Actually I disembarked something like
25 three miles north of Detour. As I said I took the
26 vessel to anchor.

27 MR. JACQUES: You did two lakes?

28 THE WITNESS: Yes.

29 MR. JACQUES: And the other one?

30 THE WITNESS: I boarded at Detour and



1 disembarked at Lock 7.

2 MR. JACQUES: You did two lakes?

3 THE WITNESS: Yes. This was the
4 one which was in dense fog the whole way. Well, up
5 till noon on the Sunday.

6 MR. LALONDE:

7 Q. You are aware there is a proposal by
8 the Shipping Federation that District 2 should be
9 divided and Welland Canal should be operated only by
10 Canadian pilots and Detroit River should be manned
11 by American pilots only.

12 I understand you probably did not
13 have time to submit this matter to your membership
14 yet, have you?

15 A. No. However, I talked over the
16 matter with a good many of the members.

17 Q. Yes?

18 A. And also to a good many of the Ameri-
19 can pilots.

20 Q. What reaction did you have and what is
21 your own view in this respect?

22 A. It is generally opposed.

23 Q. Why?

24 A. Well, especially the way we have been
25 working. In the Welland Canal it is certainly too
26 hard on a person.

27 Q. You mean the workload was too hard
28 this year, or you mean the workload would be too hard
29 this year?

30 A. Too hard, especially in the Welland



1 Canal.

2 Q. Let us consider normal situations.
3 Let's say you would have a normal workload and you
4 would be confined to the Welland Canal. That is the
5 problem you have to consider?

6 A. I don't really know what is a normal
7 workload. We have never had it yet since this system
8 has been in operation. Certainly I don't consider
9 ever since 1959. I don't consider it is a
10 normal workload. It has been excessive from the
11 very start.

12 Q. Let's look at the proposal on a
13 theoretical basis. I am not concerned with whether
14 there was too much work this year or the year before.
15 You say the feeling is generally opposed?

16 A. Generally opposed, yes.

17 MR. JACQUES: Did they say why they
18 opposed the splitting of the district?

19 THE WITNESS: Well, personally I
20 think the feeling of my own, I have spent the bulk of
21 this year in the Welland Canal, and it is certainly
22 very hard on a person. It is not so hard on the
23 nerves to take a vessel up the river, and this I think
24 would sort of even up the workload by taking some
25 trips up the river from Southeast Shoal to Sarnia.

26 Besides being in the Welland Canal
27 day in and day out is far too hard on the nerves, and
28 certainly I would gladly have welcomed a respite in
29 the Welland Canal and would have taken a vessel from
30 Lock 7 up -- I would very, very gladly have welcomed it,



1 but it just didn't turn out that way.

2 I must say that I personally do not
3 think it is a good idea at all. You are going to
4 have men that are sick if they carry on like that.
5 I might add if I had not got my three days off when I
6 did I was certainly going to book off. I had had
7 enough. If I didn't get it that was it. I had just
8 reached the stage where I certainly had had enough.
9 I was going to book off.

10 MR. LALONDE: Luckily you had a Royal
11 Commission sitting.

12 THE SECRETARY: Captain, your objec-
13 tion, perhaps I should correct myself, the objection
14 of your confreres to this division of the Great Lakes
15 Basin in Canadian and American spheres of control,
16 particularly with respect to the Welland Canal re-
17 maining or at least being placed under Canadian control
18 is predicated on the workload of the Canadian pilots
19 that would accrue from this arrangement, is it not?

20 THE WITNESS: It was not only that,
21 Mr. Nadeau. There is also the feeling to give up the
22 Detroit and St. Clair rivers is certainly wrong.
23 Seventy-five miles of the upbound courses are in
24 Canadian waters, and to give those up is a feeling
25 of giving up our own rights. Canadian rights.

26 THE SECRETARY: You are referring to
27 Lake Erie?

28 THE WITNESS: I am referring from
29 Southeast Shoal to Sarnia. The designated area of
30 Southeast Shoal to Sarnia. If you take the upbound



1 course, 75 miles of that is in Canadian waters, and
2 to hand this over to the Americans lock, stock and
3 barrel, the general feeling is that this is giving up
4 a part of the Canadian rights.

5 We get some rather extremist state-
6 ments saying if the Americans want out of the Welland
7 Canal, okay, let them go, but at least we want fifty-
8 fifty of the river. It certainly is an international
9 waterway and it is international courses both ways,
10 and therefore if they want out of the Welland Canal
11 let them go, but we want fifty-fifty of the river.

12 THE SECRETARY: By "river" you
13 include the connecting channel?

14 THE WITNESS: Oh, yes. By this I
15 mean Southeast Shoal to Sarnia. Talking with the
16 American pilots I feel that we could get far better if
17 we have sixty pilots in unity. Of course this is
18 boiling down to the disparagement in wages, disparage-
19 ment in the pay system, and if everybody was on the
20 same basis and the sixty men worked in unity, I think
21 all the problems would be solved right there.

22 I would further like to add while I am
23 on this matter that the rates were increased 40 per
24 cent last August, and we got an increase in wages
25 retroactive to the commencement of this season of
26 3.2 per cent.

27 This we feel is grossly unfair in
28 view of the workload of this year; figures here show the
29 earnings of the pilots, and we feel this is grossly
30 unfair entirely. How the Department of Labour and the



1 Department of Transport reached the figure of 3.2 per
2 cent I have no idea, but we do feel that this is grossly
3 unfair and a gross injustice.

4 COMMISSIONER SMITH: You say there
5 was an increase of 40 per cent?

6 THE WITNESS: Yes, that is right.

7 COMMISSIONER SMITH: In what?

8 THE WITNESS: In the tariffs.

9 COMMISSIONER SMITH: On the pilotage
10 tariff?

11 THE WITNESS: Pilotage tariff was
12 from the 1st of August last year, Mr. Smith, and this
13 will show revenues that we are bringing in to the
14 Department. Of course, it is an excessive workload
15 this year, but comparing this with the American pilots
16 in our district, there is going to be very much dis-
17 parity in earnings.

18 THE SECRETARY: Did I understand that
19 the work sheet has been put in?

20 MR. LALONDE: Yes. Could we give
21 them No. 1288 as workload of District 2 Canadian
22 pilots, April May, 1964?

23 ---EXHIBIT NO. 1288: Work sheets Canadian Pilot
24 District No. 2 (April and
25 May, 1964).

26 COMMISSIONER SMITH: Captain, I would
27 like to get a little clearer on this point. You men-
28 tioned the giving up of the area from Southeast Shoal
29 to Sarnia would be passing up, as I understood you to
30 say, 75 per cent of the Canadian waters area?



1 THE WITNESS: No, I said there was
2 75 miles on the upbound courses. Seventy-five miles
3 are in Canadian waters.

4 COMMISSIONER SMITH: Well, it is
5 really not material to the question that I want to ask,
6 and the question is this: What difference does it make
7 actually to the pilots who are prevailing rate people
8 now and on a salary in so far as pilotage income is
9 concerned? It wouldn't make any difference, would it?

10 THE WITNESS: None whatsoever, Mr.
11 Smith, no. However, I might add here and you will
12 see by my own particular work sheet, and that of
13 Captain Tully, Captain Tully has been outside the
14 Welland Canal for the bulk of the time in the month
15 of May, and my earnings, being in the Welland Canal
16 for the bulk of the time in May, was \$2,350. Captain
17 Tully's, who was outside for most of the time, was
18 \$3,189.50.

19 Obviously by being outside the Welland
20 Canal you certainly earn more than you do inside the
21 Welland Canal. There is no doubt about that. How-
22 ever, you will notice by the work sheets that you do
23 far more work while you are in the Welland Canal than
24 if you are piloting outside the Welland Canal.

25 COMMISSIONER SMITH: I am still not
26 clear on this point. It may be very simple but I do
27 not understand it. Is it a question of overtime work?

28 THE WITNESS: In the Welland Canal,
29 Mr. Smith ---

30 COMMISSIONER SMITH: No, in the whole



1 operation in so far as your district is concerned you
2 are under a salary?

3 THE WITNESS: Yes, that is correct.

4 COMMISSIONER SMITH: As a prevailing
5 rate employee of the Government. Now, I cannot
6 understand what difference it would make whether your
7 district was 75 miles shorter than it is or no matter
8 what the distance is because you are on a basic rate.

9 THE WITNESS: That is right, Mr.
10 Smith.

11 COMMISSIONER SMITH: Perhaps you
12 could explain that now so that I could get it clearer.

13 THE WITNESS: I might say this: when
14 pilotage was basically supposed to be a service ---

15 COMMISSIONER SMITH: Oh, I realize
16 that.

17 THE WITNESS: However, the way we
18 are working for the DOT, this has come to be the
19 case of big business for them of the first magnitude.
20 The way we are working and the hours we are putting
21 in -- sure you might say the salary is quite good, but
22 the working conditions are worse than the worst
23 sweated labour of the nineteenth century, shall we say.
24 It is just a case of sleep and eat and work.

25
26 -

27
28 -
29
30



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1 It is basically that. There is
2 nothing else.

3
4 COMMISSIONER SMITH: Well, if the
5 District was 75 miles shorter there would not be as
6 much sweat as there is now, would there?

7 THE WITNESS: I do not see that the
8 workload is going to change anyway, Mr. Smith, on that
9 score. This is the River I am talking about there.
10 Certainly when you take a ship from Lock 7 up to Sarnia,
11 once you clear the Canal there is not the strain on
12 piloting up the River that there is on piloting the
13 Welland Canal.

14 COMMISSIONER SMITH: No, I under-
15 stand that.

16 THE WITNESS: And, as I say, it is
17 a lot easier to do that. You are not on your toes the
18 whole time. I might add that relations between the
19 St. Lawrence Seaway and the Welland Canal and the pilots
20 are not good. You would think they were people from
21 two different planets. These relations are not good
22 at all. You cannot find out anything from them. You
23 almost dare not ask them about anything.

24 They have no concept whatsoever.
25 Their idea now is that if there are two ships to-
26 gether making a double lockage of up to 690 feet,
27 these two ships can lock up together. Nothing can
28 change their minds on this.

29 This is a waste of time in the
30 Welland Canal when you have a turbine ship with only



Stevenson, Dr Ex
(Lalonde)

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1 40 percent power astern and you are locking up this
2 ship, which is about 420 feet long. You are locking
3 up behind another ship. Obviously you are going to
4 go creeping into the lock. As I say, it has only got
5 40 percent of the power astern. You are coming in so
6 very slowly that the whole system is tied up much
7 longer. It would be much quicker to lock that small
8 vessel up on its own and this other ship on its own.

9 But they have no idea. All they
10 are figuring on is the length of the ship and the
11 figure that can go into the lock together. When you
12 get this kind of lockage you are on your toes every
13 second of the time that vessel is in the lock, because
14 the slightest surge and you are either going to be on
15 the sill or into the other ship ahead of you. It is
16 just a case of a battle of nerves right now.

17
18 CROSS-EXAMINATION BY MR. MASON:

19 Q You related to us one trip you
20 made on May 15th when you were on the bridge for 41
21 hours from Detour down to Port Weller, I believe?

22 A No. This was a Liberty. She was
23 quite small. When I left the bridge we were approxi-
24 mately 20 miles -- I would say 20 miles west of Long
25 Point.

26 Q During your passage down Lake
27 Huron were you on the bridge all the time?

28 A I was on the bridge all the time,
29 yes.
30



1 Q The Master then presumably re-
2 requested your presence on the bridge?

3 A Definitely.

4 Q Is this normal, that a Master of
5 an ocean vessel will request the pilot's presence on
6 the bridge?

7 A In fog, yes.

8 Q Why is this?

9 A Because they are paying \$50 and
10 they figure that is what you are there for.

11 MR. LALONDE: Thank you, Captain.

12 THE CHAIRMAN: Have you any
13 questions, Mr. Brisset?

14
15 CROSS-EXAMINATION BY MR. BRISSET:

16 Q Captain, you told us about the
17 difficulties you had in the Welland Canal with tur-
18 bine ships, but I do not suppose that all ships are
19 difficult to handle in the Welland Canal?

20 A No, I agree. What I am saying is
21 that people who are in the control towers, as far as
22 they are concerned all ships are the same and so long
23 as this makes up a double lockage they do not care
24 what the ships are or how it is. They have no idea.
25 They are just taking them in and saying: "That is
26 it." And no amount of objection is going to alter
27 that.

28 Q Now, Captain, you told us that
29 according to your information the American pilots
30



1 would also be opposed to the split of the district as
2 recommended by the Shipping Federation. On this score
3 I frankly have to tell you that I do not see their
4 reason, since you have told us that you yourself pro-
5 posed this split limiting you to work on the Welland
6 Canal because the work there is more difficult and
7 the earnings -- I am speaking of pilotage dues -- are
8 less?

9 A Yes.

10 Q That would seem to me to be two
11 excellent reasons for the Americans to favour the
12 split -- if they have to work less in the Southeast
13 Shoal to Sarnia area and earn more than in the
14 Welland Canal.

15 A If traffic decreases the Welland
16 Canal will still be one of the main sources of re-
17 venue and they certainly do not want to give it up.

18 Q So this attitude of the American
19 pilots has in mind a decrease in traffic, but certain-
20 ly if the reverse happens their stand would no longer
21 be justified; don't you agree?

22 A Well, let us say this: Whatever
23 they have they do not want to give up, the same as
24 our men, whatever we have we do not want to give up.

25 Q I see. You are aware that the
26 Welland Canal locks that are single locks today are
27 going to be twinned?

28 A Correct.

29 Q Will that ease your work in the
30



1 Welland Canal in your opinion?

2 A Not a great deal. And I do not think
3 it is going to make a great deal in the transit time;
4 a few hours, definitely. However, the speed of a trans-
5 it in the Welland Canal is only going to be as fast as
6 the slowest ship and every year there are more and more
7 lakers of maximum size coming out. Therefore, the fact
8 that at the moment the Welland Canal has reached satur-
9 ation point, it will mean that more ships can be handled
10 by twinning the Welland Canal. However, the speed of
11 transit is not going to be a great deal faster.

12 Q Now, Captain, would you not agree with
13 me that if the activities of the Canadian pilots were
14 restricted to the Welland Canal they would have more
15 time at home, more rest period, as they would not have
16 to go on these long trips, some of which you have des-
17 cribed to us?

18 A I have had lots of time, you might say,
19 at home --

20 Q I am speaking of time at home to restore
21 your nerves.

22 A You might say in the month of March I
23 had eighteen ships, but of those which I described I
24 took one to Detour and one back down. The rest are in
25 the Welland Canal.

26 As far as I am concerned I was home to
27 sleep every day, but this to me is not what I call
28 being home. You just sleep and you are woken. You
29 know in approximately twelve hours you are going to get
30



1 a call due to the congestion.

2 Sometimes they would hold you a little
3 longer, but you would call in after, say, twelve hours
4 and say: "What turn am I on?" and they would say:
5 "First" or "Second" and then you would expect to be
6 dispatched imminently. They would hold off so that you
7 try and conserve your rest. But nevertheless you are
8 just waiting there sitting by the phone waiting to go
9 out probably in another two or three hours.

10 Q What is the average time for a transit
11 between Lock 7 and the upper end of the canal or vice
12 versa?

13 A It is running around about eight to ten
14 hours at the moment.

15 Q And for the other section?

16 A On the other section it is averaging
17 about fourteen hours upbound and eight to ten hours
18 downbound.

19 Q When you say for the upper section seven
20 to eight hours, does that apply to both an upbound and
21 a downbound transit?

22 A Yes, pretty well, I would say. I could
23 not state for sure, because I have hardly ever done any
24 of those particular transits. There was one -- the K.
25 C. ROXENES, where it was eighteen hours and forty-five
26 minutes down.

27 MR. BRISSET: Thank you.

28 THE CHAIRMAN: Are there any further
29 questions of Captain Stevenson?
30



1 MR. LALONDE: Thank you, Captain.

2
3 --- (Witness withdrew.)

4 THE SECRETARY: My Lord, before
5 concluding -- --

6 THE CHAIRMAN: Yes. We have two or
7 three other things on the agenda. We had, I think,
8 something from the Imperial Oil for cross-examination.
9 You may say what you have received on that now.

10 THE SECRETARY: Yes. We had, My Lord,
11 made tentative arrangements to hear further evidence
12 in rebuttal of the testimony given by Captain Kelly on
13 April 15th, I believe. He was a pilot in the pilotage
14 district of Halifax who wanted to appear to give
15 evidence. It had been arranged for him to appear on
16 Monday of next week, but after the enquiry from the
17 Imperial Oil Company in Toronto I learned that Captain
18 Kelly was away from Toronto and would only return at
19 the end of the month. So it was arranged for this
20 further evidence to be postponed to the September hear-
21 ing in Ottawa and tentatively arranged for September
22 15th.

23 THE CHAIRMAN: Monday is the 14th.

24 THE SECRETARY: It should be on the 14th
25 September, then.

26 The other point that I think should be
27 mentioned --

28 THE CHAIRMAN: Excuse me, before you
29 speak of this one, Mr. Lalonde also has more witnesses
30



1 who could not come this time.

2 MR. LALONDE: Yes, that is right, My Lord.
3 They told me they would be available in September. I
4 have not found out about a date, but they certainly
5 would be available on the first convenient date -- may-
6 be on the 14th itself.

7 THE CHAIRMAN: I think it should be at the
8 beginning of the week. I do not suppose Imperial Oil
9 will be very long. I do not think the two witnesses in
10 rebuttal that Mr. Langlois wants to hear will be very
11 long, plus maybe the examination of Captain Kelly. I
12 do not think this will last more than the morning, so
13 you could have your witnesses in the afternoon.

14 MR. LALONDE: I will be in correspondence with
15 the Secretary. I will contact these persons to see when
16 they will be available.

17 THE CHAIRMAN: We will be dealing with the
18 Great Lakes and the St. Lawrence, so I think all counsel
19 are going to be there all the time anyway.

20 As regards the question of Captain Rolla R.
21 Johnson, who was supposed to be here on Monday -- and he
22 had filed a brief, as you know -- we heard that he would
23 not be available. So I would ask our Secretary to ex-
24 plain what was going on and what is the score now.

25 THE SECRETARY: Of course, we have heard
26 considerable evidence this week in connection with the
27 interest of Captain Rolla Johnson and of his organi-
28 zation, the International Organization of Masters, Mates
29 & Pilots, Great Lakes District, in the formative years
30



1 of the establishment of the joint pilotage team on the
2 Great Lakes. It appears from the record that Captain
3 Rolla Johnson has kept up his interest in pilotage on
4 the Great Lakes since he filed or submitted to the
5 Commission a brief, which we received on May 13th,
6 1964. It was, it stated, a "Brief and Submission on
7 behalf of the Great Lakes District, International
8 Organization of Masters, Mates & Pilots to the Royal
9 Commission on Pilotage in connection with pilotage in
10 the Great Lakes."

11 My Lord, when we received this submission I
12 looked around for the covering letter from this organi-
13 zation and I saw none in our records. So I was in touch
14 then with the President of the Great Lakes District of
15 that organization, Captain Johnson, by phone merely to
16 find out whether he intended to present the brief him-
17 self before you. He indicated to me that he would wish
18 to do so.

19 Then I took this opportunity to explain very
20 briefly on the phone what the Commission procedure was
21 -- that he had to indicate the extent of interest of
22 the organization in the matter under review, namely the
23 pilotage involving the Canadian pilots on the Great
24 Lakes, as the Inquiry was one directed to the Canadian
25 problems. He immediately showed some reluctance to give
26 any indication as to the Canadian membership in his
27 organization. So I wrote to him, and I think perhaps
28 it would be desirable to have the letter read into the
29 record. I do not know whether I need to read this
30



1 letter because I circulated a letter to the counsel of
2 the various parties. It is a letter of May 22nd, 1964.
3 It could be taken as read, or I could read it again.

4 THE CHAIRMAN: I think it will be better to
5 read it into the record.

6 THE SECRETARY:

7 "Captain R.R. Johnson, President,
8 Great Lakes District, International
9 Organization of Masters, Mates & Pilots,
10 2414 Terminal Tower, Cleveland 13, Ohio.

11
12 Dear Captain Johnson:

13 I have for acknowledgement your brief
14 dated May 11th, 1964 which purports to be a
15 'Submission on behalf of the Great Lakes
16 District International Organization of
17 Masters, Mates & Pilots to the Royal
18 Commission on Pilotage in connection with
19 pilotage on the Great Lakes. "
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1 'With reference to our telephone conver-
2 sation of to-day's date regarding the above, I
3 understand that you wish to appear personally
4 before the Royal Commission on Pilotage to
5 present this brief and that you agree to do
6 this in Toronto on Monday, June 22. For your
7 information the Commission will then be sitting
8 in the former Board of Education Building,
9 263 McCaul Street, Toronto. As you may be
10 the first witness called on that day, I
11 would appreciate it if you would be available
12 in court at the above address shortly before
13 10 o'clock in the morning.

14 'For your guidance, I am sending you
15 herewith a copy of the Commission's rules of
16 practise and procedure from which you will
17 note that facts alleged in briefs submitted
18 to the Commission must be established by
19 proper evidence. Your evidence will be under
20 oath and one of the first things you will
21 likely be required to establish is your
22 interest in the present enquiry and whether
23 the views and recommendations in your brief are
24 personal or duly represent those of your Asso-
25 ciation as alleged. In this connection, the
26 Commission will wish to know in particular the
27 extent and nature of Canadian membership in
28 your association as well as Canadian partici-
29 pation and approval of the brief which you
30 have submitted to us."



1 I signed the letter. It is dated May 22.

2 I heard from him on June 11. I received
3 a letter dated June 9 from Captain Johnson in reply
4 to mine. It reads:

5 "Re: June 22, 1964 Royal Commission
6 on Pilotage, Hearing

7 "Dear Mr. Nadeau:

8 "The brief submitted by this organization
9 on behalf of our membership and the request to
10 appear before the Royal Commission on Pilotage
11 was for the express purpose of censoring the
12 repudiated statements made in the brief pre-
13 sented by Captain Matheson on behalf of the
14 Shipping Federation of Canada. Some of the
15 testimony is libellous.

16 "The problem presented in your letter
17 of May 22nd is indeed a serious one. Accord-
18 ing to the Commissions rules of practice
19 and procedure, it would be impossible for
20 this organization to do what it asks. It
21 would be a violation of the ethics of this
22 organization to reveal the names of our
23 Canadian members and the extent of their
24 participation. Matters of this nature are
25 kept in the strictest of confidence by this
26 organization. To reveal such information
27 could result in serious repercussions for
28 the people involved.

29 "Therefore, I must request that I be
30 able to appear before this Hearing with the
reservation that I am not required to answer



1 any questions that could be incriminating
2 to any member of this organization, or to
3 the organization itself. Nor will I
4 reveal the names of our Canadian members.

5 "I trust my request will be given
6 full consideration.

7 "Sincerely yours,

8 "Capt. Rolla R. Johnston."

9 The letter was received on June 11. I
10 took the opportunity of clearing up the air so that
11 the Commission would know exactly what the intentions
12 of Mr. Johnson were when we arrived in Toronto, and I
13 phoned him June 17th, yesterday. I asked him again
14 on the phone whether he intended to come to present
15 his brief, and he said "Provided I am allowed to
16 appear before the Commission under my conditions, I
17 will come. But if I have to comply with your rules
18 which would frankly require me to reveal the names
19 of Canadian members . . .

20 THE CHAIRMAN: The extent of his interest.

21 THE SECRETARY: The extent of his
22 interest -- so I told him, of course the Commission
23 would want to know. I told him his lordship will
24 want to know the extent of his interest and what
25 group he represented and some of the evidence in
26 support of that.

27 He told me that in so far as the Canadian
28 side was concerned he couldn't go very far, but in
29 any case he was going to check again with his execu-
30 tive and would phone me back / the Royal Commission
and if



1 on Pilotage did not know more about his organization---

2 THE CHAIRMAN: It is not necessary
3 to mention the other parties.

4 THE SECRETARY: It was well known,
5 and so on, and that he would check and would call me
6 back. He did call me back in the afternoon to re-
7 state the position that he could not come to Toronto
8 to present the brief unless I gave him a letter
9 saying that he would not have to reply to questions
10 put to him about the Canadian members of his organiza-
11 tion. I said that he would not be required to
12 reply to any questions, but his testimony would be
13 affected if he were to pretend that he represented
14 a group of Canadian pilots, members of his organiza-
15 tion, and had no evidence in support of that testi-
16 mony.

17 THE CHAIRMAN: This is on account
18 of the understanding we had with the American authori-
19 ties to the effect we would not compel witnesses.
20 Of course we told them if they did not want to answer
21 to cross-examination their evidence would only be
22 taken for what it was worth.

23 THE SECRETARY: So that I thought I
24 should for the record explain my understanding of
25 our telephone understanding. Last night I sent him
26 a telegram which reads as follows:

27 'Re your letter June 9. This will
28 confirm my understanding of our telephone
29 conversations today June 17 that owing to
30 your inability or unwillingness to inform



1 the Royal Commission on Pilotage of the
2 Canadian pilot membership in the Interna-
3 tional organization of Masters, Mates and
4 Pilots, Great Lakes District, you do not
5 wish to appear before the Commission in
6 Toronto on June 22 as proposed in my
7 letter to you dated May 22, 1964 and give
8 evidence in support of the brief which you
9 submitted to the Commission on behalf of
10 the said organization. Therefore the
11 Commission does not propose to sit in
12 Toronto on that day."

13 Perhaps now if you find it desirable
14 we could file Captain Rolla Johnson's brief since it
15 in fact has been submitted to the Commission.

16 THE CHAIRMAN: Yes. Have you
17 received any further reply to your telegram?

18 THE SECRETARY: No, I have not
19 received any further reply.

20 THE CHAIRMAN: I may add that you also
21 suggested to him that the Commission might consider
22 the possibility that he could give his credentials in
23 a confidential manner, and he turned that down.

24 THE SECRETARY: Yes, I did mention
25 that if it were a case of revealing the names, apart
26 from revealing the extent of the Canadian membership,
27 I thought this should be on the record, on the public
28 record in any case without names, giving the number
29 of the Canadian pilots.

30 THE CHAIRMAN: Have you made any



1 inquiries as to their Canadian representation in
2 Canada here?

3 THE SECRETARY: Yes, I did, my lord.
4 Some time ago in Ottawa we made some inquiries from
5 the Department of Transport. In fact we spoke to
6 Captain Seeley who was Assistant Superintendent of
7 Pilots at Ottawa, and he told us that they had no
8 connection or communications with this organization
9 since 1957.

10 We also made inquiries from the
11 Department of Labour, and I spoke to Mr. Pammett who
12 is Executive Assistant, International Labour Organiza-
13 tion Branch, and we^{were} informed that the International
14 Organization of Masters, Mates and Pilots is not
15 registered in Canada, and is strictly a U.S. union.

16 We did learn that in 1961 it had
17 a list of membership of 10,000, but no Canadian mem-
18 bers. However, in 1959 there were 110 Canadian
19 members which are not now listed. Members outside
20 of the United States are the Panama Canal pilots, I
21 understand.

22 THE CHAIRMAN: In any event this evidence will be
23 brought before the Commission when we are in Ottawa?
24 All these letters and the brief should be filed as
25 Exhibit 1289.

26 ---EXHIBIT NO. 1289: Brief of Captain Rolla R.
27 Johnson and his corres-
28 pondence with the Secretary.
29 (Dated May 22, 1964, June 9,
30 1964, June 17, 1964).

TH CHAIRMAN: Then I think this



1 concludes the Toronto hearing and now we will adjourn
2 for the Ottawa hearing where we will hear the evidence
3 from the Department regarding the Great Lakes and the
4 St. Lawrence on Monday, the 14th of September, in
5 the Supreme Court Building. We are going to have
6 the small courtroom.

7 THE SECRETARY: The Exchequer
8 Court?

9 THE CHAIRMAN: It is not the
10 Exchequer Court. I think it is the one inside. In
11 any event it will be shown and the doorman will let
12 you know. Thank you very much.

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15 ---Whereupon the hearing was adjourned until
16 September 14th in Ottawa.
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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

OTTAWA ONTARIO

VOLUME No.:

138

DATE:

Sept. 14, 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Exchequer Court Building,
Ottawa, Ontario, on Monday, the
14th day of September, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C. for the Shipping Federation
of Canada

Mr. Marc Lalonde for the Federation of St.
Lawrence River pilots;
Corporation of the Lower St.
Lawrence Pilots; Corporation
of Montreal Harbour Pilots;
Corporation of the Mid-St.
Lawrence Pilots; Corporation
of the St. Lawrence River and
Seaway Pilots; Corporation
of the Upper St. Lawrence
Pilots

Mr. Leopold Langlois, Q.C. for the Canadian Merchant
Service Guild

Mr. Colin Mason for the Dominion Marine
Association.



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THE CHAIRMAN: Well, gentlemen, it is a pleasure to see you all rested except Mr. Langlois who even during his holidays took the opportunity to do some work, as we have all seen.

It is the first time that the Commission has had such a long recess as a Commission. Two and a half months. However, I may tell you that if we had no sitting those two months and a half were not idle as far as we were concerned. We worked every minute, and we are now convinced that we need many, many more minutes, and I would say many months because we have really got down into the analysis of the evidence, and it is tremendous. It is amazing, all the information that is there.

We find our task is huge. We were told that at the first hearing of the Commission by Mr. Brisset and others also, that there was a very huge mandate that we have, and it was brought home by this two and a half months of analysis and work.

The report that we have to make is twofold. The first one is the facts, and the second one is the recommendations. The first one is the most important because it does not matter what recommendations we are going to make, whether they please or they do not please, if they are not borne out by the facts they are going to be worthless. We have to have a very complete accurate analysis of the facts and report on the facts.

The more we dig, the more we find, and



1

2 we plan to make a complete report on the facts even if
3 it takes some time because it would be worthless sub-
4 mitting an incomplete report. The task is there. We
5 did not ask for it; we were given it. So unfortunately,
6 or fortunately, I don't know, it will take time. I
7 know my Chief Justice is going to be quite annoyed at
8 me, but in any event I did not ask for it. It is there,
9 and that is the mandate we have received, and we are
10 going to perform it.

11

12 This brings me to say we have to dig
13 like that and to go to the root of the things because
14 very often the evidence that has been brought before
15 us was of problems and difficulties and so on, but
16 we have to go even deeper than that to find out what
17 is the root of all those troubles, and on that sometimes
18 we do not have the evidence.

18

19 This brings up the point of procedure.
20 Up to now we have proceeded as if it were a case in
21 court, although as we have repeatedly said it was not
22 a case. We had no litigants in front of us; that
23 everybody was the Commission's witness.

23

24 Up to now we obtained our information
25 in two ways: first, from the interested parties who
26 reported to us really the things they were annoyed with,
27 ^{not} but that was going well, or that they were satisfied --
28 not too much anyway. Our Commission counsel tried to
29 obtain the rest of the evidence, but we were new in the
30 field, and it was as they say, tabula rasa,
as far as we were concerned. We did not know anything



1
2 about pilotage, and it was new matters as I have told
3 you before, and at every place it was new things. So
4 now in the quietness of our office we have studied the
5 evidence that has been given, the testimony and the
6 exhibits, and a quantity of questions have come to our
7 mind that are unanswered. It is not a court case
8 where the Court is limited by the evidence that is
9 brought before the Court by the parties. The Court's
10 interest is limited by the interest of the parties.

11 This is not the case here. In this the
12 investigation and the report are the Commission's own
13 responsibility. It is our mandate. It is not the
14 mandate of anybody else. It is up to us to report on
15 the facts. Through this analysis all the time we
16 come upon problems about facts that have not been
17 established, that have not been brought to our at-
18 tention. It is not as if it was intentional, but maybe
19 it is because people were so familiar with these facts
20 that they thought everybody would know about them,
21 but we came upon very, very interesting things as far
22 as we were concerned.

23 Just to give you a few examples, while
24 analyzing the pilotage report for British Columbia
25 we came upon what was mentioned as reserve account.
26 Well, when we were in British Columbia we were told
27 there were only two funds, the pilotage fund -- aside
28 of course from the pension fund -- and the club fund.
29 Two funds only. Nobody thought of telling us about
30 the third fund which was a reserve fund, and it appeared



1
2 only in the pilotage reports prior to 1960. It was just
3 there as information, so our curiosity was raised by
4 that and we asked for a further explanation and we found
5 out this which was very pertinent to pilotage -- a problem
6 that is happening in all the districts -- that in British
7 Columbia the pilots and all the other pilots in a pool
8 system want to be paid for the work done and not on dues
9 collected, so therefore they had to organize a special
10 fund in order that a solution be made. This fund is still
11 existing, and it is quite a sizeable amount. We did not
12 know about that. We had to know. This is one thing.

13 We also found just lately after quite a
14 long analysis of the evidence by just looking at the source
15 form and working out the dues first, that in British
16 Columbia, contrary to what existed elsewhere, the charge
17 is not made on a trip basis but on the port, by port.
18 Therefore, in British Columbia when you go to sea you pay
19 one charge (about 80 miles), but if you come from Van-
20 couver to Nanaimo you pay two charges. We find when you
21 speak of a charge in B.C. you can't just look at the
22 tariff and compare this tariff with the others; you have
23 to bear in mind the same thing does not apply. It is
24 only a very careful analysis that brings that out. As a
25 matter of fact we have to ask more questions about it.

26 We found Sand Heads which is just a point
27 in the water off the Fraser River -- we found that it is
28 a port in British Columbia. Why? This we will have to
29 find out. We know that if it is not a port a ship
30



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2 coming from sea will not pay pilotage. Probably that
3 is the reason why, but we know also that a ship going
4 from Vancouver to the Fraser River would pay three
5 pilotage dues, one for Vancouver, one for Sand Head and
6 one for the Fraser River. That was not brought to our
7 attention. What are we going to do about that? Are we
8 going to forget about that? No, we are certainly not
9 going to. It would not be living up to our mandate.

10 We have to finish our investigation. We
11 cannot carry on like that for years with hearings, so
12 here is the way we wish to proceed: As long as we
13 have hearings going on we are going to ask these
14 questions by way of questions sent to the Department of
15 Transport, and they are going to send witnesses here,
16 and then we are going to finish these hearings, and here
17 is the way we shall proceed: We always have insisted on
18 publicity of our hearings, and we still wish to do so.
19 We continue to do so. We are going to ask these
20 informations that are on non-contentious points --
21 everybody has agreed to that everywhere -- so therefore
22 it is only a matter of fact for us to know, knowing the
23 reason why, so we are going to ask the people concerned
24 by letter to explain what we have found, and the
25 information will be attached to that letter and will be
26 filed as an exhibit.

27 We are going to make a list of these
28 exhibits, giving a little summary of the contents of
29 them, and this is going to be sent to all those who
30 are receiving the list of exhibits and the transcripts.



1
2 Now this correspondence will be in
3 Ottawa in our office, and should anybody wish to con-
4 sult it, it is going to be available, and if it is
5 necessary to have a copy, we will be pleased to help you.
6 Should anybody feel that something else should be said
7 about it, the three Commissioners will be in Ottawa,
8 and on very short notice -- enough time to give notice
9 to other parties involved -- we will convene a short
10 hearing in Ottawa to deal with this matter. That is
11 how we have planned that item. It will be in all
12 fairness to everybody, and those are questions you are
13 not interested in because you did not bring them in,
14 but we are interested in them in order to make a
15 complete report of fact.

16 I have a third point. It is with regard
17 to the question of the evidence and the brief of
18 Imperial Oil. We have received on Friday last a
19 telegram from the Guild -- direct from the Guild; not
20 from their counsel -- direct from the Guild, reading as
21 follows:

22 "National Pilots Committee presently meeting in
23 Montreal strongly urge that Captain W. Hancock St.
24 John's Newfoundland Pilotage District and Captain R.
25 Sullivan Halifax Pilotage District be subpoenaed to
26 Ottawa at public expense to rebut evidence given in
27 support of Imperial Oil Limited's brief the whole as
28 originally requested from and accepted by Commission
29 and if not that any evidence already adduced in
30 support of said brief be stricken from the records and



1
2 "no further evidence from whatever sources be ac-
3 cepted stop pilots across Canada entertain very
4 strong feelings in this respect and sincerely believe
5 being discriminated against in being obliged to
6 support additional expenses to send witnesses Ottawa
7 a second time to deal with matters which should have
8 been dealt with at local sittings in districts
9 concerned. Captain R. V. Cobham, National Pilots
10 Committee."

11 The last thing here, as regards whether
12 these matters should have been dealt with locally, you
13 recall at the very beginning we said if at all possible
14 matters should be dealt with locally, but matters that
15 concerned more than one district would be dealt with
16 anywhere, and if anybody had forgotten anything at any
17 time they could come back and that we would give full
18 opportunity to everybody to be heard and to be reheard
19 and reheard if necessary, and that has been our policy.

20 Therefore, the question of the Imperial
21 Oil brief concerned four districts. Not only one. Also
22 this policy of having the evidence brought up at various
23 places was practised with regard to the St. Lawrence.
24 St. Lawrence was heard in Montreal, Quebec, and even
25 Toronto. Even Ottawa.

26 Of course this policy was bound to bring
27 some difficulties, and it has. I recall one: it was the
28 case of the Irving brief in Saint John, New Brunswick.
29 The brief was presented after our hearing when Irving Oil
30 or the Irving interestssaw what the Commission was after,



1
2 and they found it was necessary for them to send a brief,
3 and they did. We had agreed to hear them at our next
4 stage in the Maritimes, in Halifax. When the Commission
5 read the brief, studied the brief, it was found it would
6 not be fair for the Saint John pilots for this brief to
7 be heard in Halifax, and therefore the Commission returned
8 to Saint John and heard the Irving people there, and even
9 returned a third time to give an opportunity for the
10 Saint John pilots to be heard. I think everybody was
11 satisfied, and all the evidence was adduced.

12 With regard to the Imperial Oil brief,
13 this is another case. We had many difficulties in this
14 one. In one case it could not be heard in Halifax because of
15 someone's illness. The second time it was postponed to
16 Toronto, and then in Toronto, one of the counsel was not
17 there and wanted to cross-examine, so this privilege was
18 given. Therefore, we decided to call back Imperial Oil
19 for this cross-examination.

20 When we asked Imperial Oil to come to
21 Ottawa on the 9th of June they couldn't make it. Captain
22 Kelly was not available. Well, this is one of the things
23 that happened. We have been quite lucky so far that this
24 has not happened very often.

25 We understand also the fact if evidence
26 is given at a place where the other interested parties
27 do not live -- like, for instance, St. John's, Newfound-
28 land, for evidence given in Ottawa -- that means they
29 will have to come here, so we understood that and we
30 have agreed if it were necessary to bring witnesses from



1
2 Halifax and St. John's, Newfoundland, that it was a
3 special case and that we would do it at the Commission's
4 expense.

5 Unfortunately Captain Kelly could not
6 come in June. After the June hearing I reviewed the
7 evidence; I reviewed the file, and I found that in the
8 actual brief submitted by the Newfoundland pilots most
9 of it was argument, not facts, and that the facts that
10 were mentioned there were not really facts that this
11 witness could give as to how many times the Imperial
12 Oil ships were in St. John's, Newfoundland, but this is
13 available from records. We do not need a pilot to say
14 it.

15 Therefore, we have reviewed our stand, and
16 we have decided to wait for the cross-examination of
17 Captain Kelly to decide whether it would be necessary to
18 have witnesses brought from Newfoundland or Halifax to
19 adduce some more facts -- not to give argument because
20 counsel is there to give argument.

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1 This is the stand we have taken. We
2 have written two letters to their counsel telling them
3 that. Despite that we received this telegram. I
4 suppose, I do not know, maybe they have not received
5 copies of the letters we have written to their counsel.

6 In any event this is our stand and we
7 maintain it because it is a question of public money
8 and we have first before dealing with that money to
9 be sure that it is necessary to make this expenditure.
10 But as we have always proved, we have always done,
11 you may be sure that if we have doubt that they have
12 not been given full opportunity to present their case
13 before the Commission, we will pay their expenses so
14 that they come here.

15 MR. LANGLOIS: My lord, with your
16 leave I would like to go on record following the re-
17 marks that you have just made regarding the Imperial
18 Oil brief and, my lord, I wish to point out that I do
19 not want to cast any reflection on anybody involved
20 in this matter. But I am under very strict in-
21 structions from my principals and from Mr. John
22 Dickie, who is representing the non-guild members of
23 the Halifax Pilots, to point out to the Commission
24 that although the Imperial Oil brief dealt with
25 matters concerning more than one district, this brief
26 was introduced and evidence produced on it in a
27 district with which the brief had nothing to do what-
28 soever, to wit in Toronto. If at least that
29 brief had been introduced in Halifax or Quebec or
30 Sydney or Saint John for that matter -- in any of the



1 three or four districts concerned--I do not think the
2 pilots would have had any complaint whatsoever, but
3 to choose to introduce that brief in Toronto, your
4 lordship will agree with me it was going a bit far
5 afield of the scene with which this brief had to do.

6 THE CHAIRMAN: It was filed quite
7 a long time ago; it was filed in May.

8 MR. LANGLOIS: May, 1963.

9 THE CHAIRMAN: May, 1963, yes.

10 MR. LANGLOIS: Following the Toronto
11 hearing at which the evidence in support of that brief
12 was given I received instructions from my principals
13 -- and your lordship understands I am entirely in
14 the hands of my principals as far as this matter is
15 concerned ---

16 THE CHAIRMAN: Yes.

17 MR. LANGLOIS: To make a request
18 that if the pilots were called upon to incur any ex-
19 penses to offer any rebuttal evidence, this should be
20 at the public's expense.

21 Nevertheless when the Commission had
22 its hearings in Ottawa, at which hearings such matters,
23 such local problems as those referred to in the
24 Imperial Oil brief were heard, my principals came
25 to Ottawa at their own expense. They came as far
26 as Vancouver; they came as far as Halifax, Sydney
27 and St. John's, Newfoundland, and Quebec. But
28 Imperial Oil did not care to come. They knew as
29 well as I know, I suppose, or my principals knew,
30 that these hearings in Ottawa here ---



1 THE CHAIRMAN: I thought the two
2 witnesses you had asked for in Ottawa we had agreed
3 to pay their expenses and we sent telegrams to cancel
4 their appearance at the last minute.

5 MR. LANGLOIS: Unless I am mistaken,
6 that was for Toronto.

7 THE CHAIRMAN: Yes.

8 MR. LANGLOIS: Then my principals
9 came here to Ottawa to offer their evidence. It was
10 agreed to file a memo, to which your lordship has
11 referred, by Captain Hancock filed by Captain
12 Gatheral. It was ruled that those facts would be
13 taken as facts and there would be no further evidence;
14 it would not be necessary to have Captain Hancock
15 appear before the Commission.

16 THE CHAIRMAN: That is right.

17 MR. LANGLOIS: We were later on
18 advised that the Imperial Oil counsel was not prepared
19 to do so. Then it was decided by your lordship to
20 have Captain Sullivan come up to Toronto. As a
21 matter of fact Captain Sullivan had already left
22 Halifax.

23 THE CHAIRMAN: I know.

24 MR. LANGLOIS: We had to warn him --
25 he was on the train -- at Campbellton, to make an
26 about turn because Imperial Oil was not going to
27 show up. Captain Cobham came up to Toronto. He
28 is the chairman of the National Pilots' Committee.
29 But there again Imperial Oil did not seem to be
30 interested in introducing evidence in support of their



1 brief.

2 THE CHAIRMAN: We do not want to deal
3 with possibilities; we want to deal with facts, so we
4 just ask you to wait until Captain Kelly is heard and
5 then we will find out whether you have any further
6 facts to establish and if there are you are going to
7 be given an opportunity. If Imperial Oil wants to
8 be present, they will come at their expense, but we
9 will give you this opportunity.

10 But it is appreciated that we do not
11 want to say just because it is a possibility that a
12 witness could be called -- that it is a possibility
13 of a rebuttal and that there could be some damaging
14 evidence and then we might need some witnesses, then
15 we want to have the witnesses there. This is what
16 we want to avoid, that is all.

17 MR. LANGLOIS: My lord ---

18 THE CHAIRMAN: Just tell you that
19 in your mind you think for your client you need this
20 and that witness and we will call them, if we have
21 it.

22 MR. LANGLOIS: I understand I will
23 be at liberty to call my witnesses at the expense of
24 the ---

25 THE CHAIRMAN: Yes, and we will be
26 here for three weeks.

27 MR. LANGLOIS: There is another
28 point. I understand Captain Kelly is here this
29 morning for cross-examination purposes and myself
30 I feel I cannot fulfill my mandate to cross-examine



1 Captain Kelly on local matters dealing with Halifax
2 and Saint John and Sydney and St. John's, Newfoundland,
3 without the assistance of my principals. I feel I
4 would be remiss in my duty if I attempted to cross-
5 examine Captain Kelly. I will be prepared, my lord,
6 and I am sure my principals would be quite happy if
7 when witnesses are called here that Captain Kelly
8 would be here and I could cross-examine with their
9 assistance.

10 THE CHAIRMAN: I am sure Captain
11 Kelly will be here.

12 MR. LANGLOIS: I am satisfied then.

13 THE CHAIRMAN: That is all right;
14 go ahead.

15 THE SECRETARY: Your lordship, there
16 is one observation I would like to make to the people
17 in attendance. I have been requested by the Court
18 Clerk to refrain to the extent that it is possible
19 to do so from using the passage on this side which
20 is reserved for lawyers of the Supreme Court and
21 the Exchequer Court -- of course, this is for the
22 public at large -- and to use this door on my
23 right to come in and go out.

24 One other point, my lord, that I
25 would like to make before we begin hearing evidence,
26 is that I should like to table as Exhibit No. 1290
27 an exchange of correspondence between the Commission
28 and the regional superintendent of pilots in
29 Vancouver in connection with an accounting procedure
30 or change in accounting procedure that took place,



1 as his lordship mentioned a minute ago, but in 1960,
2 I believe, involving moneys derived from ships that
3 were not piloted. This exchange of correspondence
4 is dated August 17th from the Commission and the
5 reply is dated August 24th. They will be filed
6 both in a bundle as Exhibit 1290.

7
8 ---EXHIBIT NO. 1290: Exchange of correspondence
9 between the Commission and
10 the regional superintendent
11 of Pilots in Vancouver,
12 dated August 17, 1964, and
13 August 24, 1964.

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CAPTAIN T. D. KELLY, sworn
Imperial Oil Limited

THE SECRETARY: Are you assisted
by counsel?

THE WITNESS: No, I regret that Mr.
Robinette is in the States and could not get back in
time.

THE SECRETARY: Would Commission
counsel oblige?

MR. JACQUES: I have no questions.

THE CHAIRMAN: Mr. Langlois?

MR. LANGLOIS: My lord, I do not want
to be too difficult, but I would like this cross-
examination to be, if possible, when I have my wit-
nesses here.

THE CHAIRMAN: Do you have anything
to add yourself, because I think your counsel has
stated that you did not agree with what Captain
D. F. Ryan from Newfoundland said?



1 THE WITNESS: My lord, there are
2 one or two errors. I do not think they are intention-
3 al, but on page 2 ---

4 THE CHAIRMAN: We are talking about
5 Volume 133 of the evidence, pages 17131 to 17137.

6 THE WITNESS: Mr. D. F. Ryan. The
7 question "The largest one, I believe, is the IMPERIAL
8 SARNIA" is the section I refer to.

9 THE CHAIRMAN: About the number of
10 trips in 1963?

11 THE WITNESS: It says: "What is the
12 largest tanker?" The answer is: "The COASTAL TANKER."
13 The next question is: "The largest one, I believe,
14 is the IMPERIAL SARNIA", and the answer to this is
15 not quite correct. The answer says: "Yes, sir,
16 roughly about 75,000 tons." The IMPERIAL SARNIA
17 is 6,750 tons. I think that should be corrected.

18 THE CHAIRMAN: Right.

19 THE WITNESS: The next answer says
20 that this proposed new coastal tanker they are
21 starting would be about 80,000 barrels; it would be
22 roughly a 13,000-ton tanker. The figures would be
23 about 9,500.

24 On the following page Captain
25 Gatherer^{call} commented on naval pilots of the Royal
26 Canadian Navy, ~~that~~ a lot of ships running there had
27 their own pilots. As a former naval officer, naval
28 officers do their own piloting. This is one of the
29 points that we feel that a naval officer who goes
30 into a port with any regularity has a privilege to do



1 his own piloting, but a regular coastal vessel
2 entering a port recently does not.

3 Unfortunately I regret that my com-
4 ments seem to have created such a furore, but I would
5 like to repeat my statement that as far as I know
6 Canada is the only country in the world that does
7 not give to its domestic coastal fleet the right
8 to elect to take a pilot or not to take a pilot.
9 The Act is very clear. Section 80 of 346 exempts
10 the ships, but the bylaws for the various ports,
11 all of which are on a different level, rather confuse
12 the issue.

13 THE CHAIRMAN: You say it is the
14 only country in the world. What about the Panama?
15 I do not think they give exemption at large.

16 THE WITNESS: I read an article that
17 is written by the U. S. government:

18 "Coastwise seagoing vessels enrolled
19 and licensed and not sailing under register
20 which have on board in their employ pilots
21 licensed by the coast guard for the vessel
22 rules are not required to take compulsory
23 state pilots.

24 "Many court decisions have continu-
25 ally held that masters and mates of
26 registered vessels making extended trips
27 to foreign ports lack up-to-date knowledge
28 while a master and mate of a coastwise
29 vessel under enrolment and licensed
30 engaged in the home trade is adequately



1 familiar with changing conditions
2 within the ports to be navigated."

3 This was the crux of our presentation
4 and I regret very much that so many people took
5 umbrage at it.

6 MR. LALONDE: This obviously does
7 not apply to the Panama Canal nor to the Suez Canal
8 and other countries like France and Italy have no
9 exemption at all of coastal vessels, whether they
10 be their own country's or foreign. I am sure
11 there are others, but these are two others which
12 come to my mind. I am sure that Agip in Italy
13 and whatever it is in France must have to take
14 pilots.

15 MR. LANGLOIS: My lord, there is one
16 question I can ask without the assistance of my
17 principals. It is in connection with the statement
18 just made by Captain Kelly concerning the piloting
19 of coastal vessels by their officers. This practice
20 has been discontinued quite a few years ago by the
21 Royal Canadian Navy.

22 THE WITNESS: It was not during my
23 service.

24 MR. LANGLOIS: It was during the
25 war, yes, but after the war it was discontinued.

26 THE CHAIRMAN: As far as St. John's,
27 Newfoundland, is concerned, is it not a fact that
28 your masters when entering St. John's would take
29 pilots?

30 THE WITNESS: They would take pilots



1 because you pay for them anyway. The payment of
2 pilotage dues under the various bylaws, which are
3 somewhat varied -- Halifax has that unless exempt
4 they pay dues except Canadian ships of 1,000 tons or
5 over, who shall pay half dues. Some vary from one-
6 third to two-thirds. Some of these bylaws refer
7 to payment of full dues regardless of whether you
8 take a pilot, and payment for services which are not
9 rendered is not an economic actuality today. You
10 are paying for something you are not getting.

11 In my own early days I traded in
12 Halifax and picked the pilot up off the cutter, where
13 they spent some days. I usually gave him the
14 privilege of getting off at the quarantine anchorage,
15 which he took. I took his telephone number and
16 usually phoned him and said we would go up without
17 him. He was very grateful. I enjoyed at that time
18 a much higher esteem with the Halifax pilots than
19 I apparently do at present -- because he got four
20 or five extra days at home.

21 But we were paying full dues and
22 everybody was happy. I think it was some uniformity
23 in the Act but the payment of pilotage dues regardless
24 of whether you take a pilot or not is a form of
25 featherbedding.

26 THE CHAIRMAN: It all depends, of
27 course, on what is the philosophy behind this ques-
28 tion of dues. If it is a kind of tax to maintain
29 a service, this is different. If it is for the
30 service rendered, this is different also.



1 THE WITNESS: I agree, but I can
2 see the viewpoint of the pilots who may see the
3 necessity of maybe a smaller force to do the work
4 of the non-coastal ships; but I also feel that if the
5 government or the governing body gave the pilots an
6 appropriate salary to take care of the shipping
7 requirements, the pilotage requirements of the port,
8 the interest in the coastal ships would evaporate
9 quickly. The coastal ships are a form of revenue,
10 I appreciate that, but what we do not feel is rea-
11 listic is the payment of dues for services that are
12 not rendered.



1 THE CHAIRMAN: The pilots have
2 complained that in fair weather quite a few ships
3 could dispense with pilots but when conditions are
4 not that good everybody is going to ask for pilots.
5 This happened on the Great Lakes when the Shipping
6 Federation organized the pilotage service a few years
7 ago and the lakers were not supposed to take pilots
8 but when the conditions were not so good they asked
9 for the service.

10 That is one thing the pilots are
11 complaining about. This is contained in Exhibit 1207,
12 the letter from Captain Gatheral. He says that is
13 all right in fair weather, you can come in, but when
14 the weather is not so good they are going to ask us
15 to be there so we will have to be available.

16 THE WITNESS: I am not familiar with
17 the case he refers to, my lord. Going back to my
18 early days of seafaring the only thing you had on
19 the bridge was a magnetic compass and going into
20 a strange port sometimes did present some diffi-
21 culties. Today we place on board forty to fifty
22 thousand dollars' worth of navigation equipment and
23 the government has spent millions on aids in
24 coastal areas. I feel if the government wishes
25 to decide on the suitability of the master or mate
26 who do the piloting this is something you might wish
27 to recommend. I don't believe people without
28 knowledge should be allowed. The people regularly
29 using the ports are today fairly capable of doing
30 their own pilotage.



1 From Montreal to the head of the lakes
2 we have ships without pilots. This has included
3 much bigger ships at one time.

4 THE CHAIRMAN: This is exactly what
5 he is afraid of. The tankers of yesterday are not
6 the tankers of today; they are much bigger and the
7 port of Saint John is not any larger.

8 THE WITNESS: In 1929 we had ships
9 which operated on the Canadian coasts equal to the
10 coastal tanker which is only 9500 tons and cannot
11 be considered an excessively large ship.

12 THE CHAIRMAN: As far as St. John's,
13 Newfoundland, is concerned the question of traffic
14 control. There is only one-way traffic in the
15 mouth of the harbour. He says "They are going to
16 be obligated to take us."

17 THE WITNESS: You have the same
18 situation in Vancouver. You have the lookout on the
19 bridge and you have radiophone communication with
20 people going in and out. The Vancouver Narrows
21 is probably equally as hazardous an area as any
22 pilotage district in Canada yet the coastal traffic
23 is moved freely without pilotage.

24 THE CHAIRMAN: The one on the bridge
25 is not a pilot. It is someone from the National
26 Harbours Board. To have traffic control there there
27 would have to be somebody posted by the Department
28 of Transport. We are told in Vancouver that he
29 was not going to have control, just giving the infor-
30 mation.



1 COMMISSIONER SMITH.: In subparagraph
2 (b), paragraph 5, of the Imperial Oil brief it says
3 this: "All foreign-going shipping, regardless of
4 flag, be required to take pilots and pay pilotage
5 dues for such service." Now that, as I interpret
6 it, is purely a question of revenue-producing element,
7 disregarding any safety or other protective measure.

8 THE WITNESS: No, sir. My stand
9 was that all foreign-going ships, regardless of flag,
10 should be required to take pilots and pay for them.

11 COMMISSIONER SMITH: In order to
12 produce the revenue?

13 THE WITNESS: No, I don't think the
14 average foreign-going ship, regardless of who is in
15 command or the nature of the officers, if it is
16 only a periodical visitor, I don't think they should
17 be considered eligible to do the piloting. That
18 would be the main source of revenue.

19 COMMISSIONER SMITH: Then has any
20 consideration been given or do you have anything to
21 say about the safety element of the thing? I mean
22 would it be the combination of safety and revenue
23 or revenue alone?

24 THE WITNESS: I think in the case of
25 a foreign-going ship it would be both, sir.

26 THE CHAIRMAN: You mention that the
27 ship take pilots so it would be compulsory pilotage?

28 THE WITNESS: Compulsory pilotage.
29 All foreign-going ships, even those flying the
30 Canadian flag.



1 MR. JACQUES: Would that be applicable
2 to all known pilotage districts in Canada?

3 THE WITNESS: Yes. I would not
4 advocate anything less. That would apply to any
5 ships I might have in those categories.

6 THE CHAIRMAN: For what reason?

7 THE WITNESS: I don't think that a
8 man going periodically has sufficient familiarity.
9 Although he may be capable he should not be given
10 the same freedom as a master who is regularly trading
11 in and out of the ports.

12 THE CHAIRMAN: Let us say he is
13 coming every month.

14 THE WITNESS: The only reason I would
15 disallow the foreign-going ship is if you disallow one
16 you have to disallow another. One man might be
17 competent but you might find the ship coming back
18 with a master who would not be competent.

19 MR. JACQUES: You had tankers plying
20 between South America and Halifax and they were, I
21 believe, on a monthly run to Halifax.

22 THE WITNESS: Fifteen days. We do
23 not at the moment have any Canadian flag ships al-
24 though we have ships with Canadian officers under
25 foreign flag. I would not ask for those ships to
26 be given the same privilege as I ask for the coastal
27 ships.

28 MR. JACQUES: Some years ago you
29 had Canadian flag ships on trips.

30 THE WITNESS: Yes.



1 MR. JACQUES: If you had the same
2 number of ships that you had years ago on the same
3 runs would you ask for exemption in favour of your
4 masters?

5 THE WITNESS: No, not for the foreign-
6 going ships. Let us take the hypothetical run from
7 Halifax to the Persian Gulf and back. You are away
8 fifty-five to sixty days and I think this is justifi-
9 cation to have those ships kept with compulsory
10 pilotage.

11 MR. JACQUES: On the run from
12 Halifax to Carapito the vessels were away a maximum
13 of three weeks.

14 THE WITNESS: We did not ask for that
15 privilege. We said we would expect ships to be
16 kept under compulsory pilotage regardless of flag.

17 MR. JACQUES: Because they would not
18 call often enough in the harbour?

19 THE WITNESS: They might or might not.
20 Some ship might be trading from Carapito to Halifax
21 today and might tomorrow be diverted to some other
22 trade and be absent for some months.

23 MR. JACQUES: Do you know if in
24 British Columbia your coastal masters have ever taken
25 pilots?

26 THE WITNESS: Never.

27 MR. JACQUES: No matter what the
28 weather was?

29 THE WITNESS: Never. This is the
30 anomaly. You have a different rule on the lakes to



1 west coast, to the east coast. I felt, my lord,
2 if you could come up with some uniform policy it would
3 be very helpful.

4 THE CHAIRMAN: So far we have not
5 found anything uniform in pilotage. We have not
6 found either the conditions or the hazards of the sea
7 uniform anywhere. At a place like Saint John, New
8 Brunswick, it might be different than the port of
9 Toronto, for instance. You cannot compare them.
10 You cannot make the same rule for both. It is diffi-
11 cult.

12 THE WITNESS: It is a very complex
13 situation.

14 THE CHAIRMAN: In Captain Gatheral's
15 letter he said that in 1963 the SS IMPERIAL SARNIA
16 came to St. John's eleven times. Do you know
17 whether that is right or not?

18 THE WITNESS: I did not check that.
19 If he says that is right I am prepared to believe it.
20 The ships vary their trade from Halifax to various
21 maritime ports. I don't think since John Cabot
22 entered Saint John that the physical characteristics
23 have changed very much.

24 THE CHAIRMAN: When we were there in
25 May 1963 there was a big roler at the mouth and this
26 was not there later on. That is one thing. Also
27 he is talking about the ice conditions that would
28 change from time to time and even the buoys would be
29 out of place.

30 THE WITNESS: This happens in other



1 ports in Newfoundland where there are not pilots and
2 where these ships regularly trade.

3 THE CHAIRMAN: He says there that the
4 pilot would be up-to-date with the changes whereas
5 a pilot coming once a month would not be.

6 THE WITNESS: I doubt that. The
7 Department of Transport puts out excellent notices
8 in a printed form and on the radio about lights and
9 buoys. The ships are well equipped with radiophone
10 today.

11 THE CHAIRMAN: Just to sum up your
12 testimony, Captain Kelly, you do not agree with the
13 argument but you do not quarrel with the facts.

14 THE WITNESS: Well, I won't argue
15 about his right to say that my evidence should be
16 expunged. I suppose that is his privilege. His
17 opinion seems to be that if you are not a present-
18 day pilot or shipping master you have no opinion.

19 MR. JACQUES: What do you mean by
20 foreign-going ships?

21 THE WITNESS: Ships not engaged in
22 the coastal trade of Canada between ports on the
23 Canadian east coast.

24 MR. JACQUES: Perhaps I could read
25 the definition in Section 2, paragraph 15, of the
26 Canada Shipping Act:

27 "Coastal trade of Canada' includes the
28 carriage by water of goods or passengers from
29 one port or place in Canada to another port
30 or place in Canada."



1 That would be limited to a coast. You could
2 go from Halifax to Vancouver, that is one Canadian
3 port to another.

4 THE WITNESS: I would not suggest
5 that a Vancouver-Halifax ship be considered in the
6 coastal trade. I would refer to Section 346(e)(ii).

7 MR. JACQUES: That would meet what
8 you have in mind?

9 THE WITNESS: I would not even go
10 as far as to say commonwealth ships. I would say
11 Canadian registered ships. It says: "employed in
12 voyages between any one or more of the provinces
13 of Ontario, Quebec, New Brunswick, Nova Scotia,
14 Prince Edward Island or Newfoundland and any other
15 or others of them, or between a port in any one
16 of the said provinces and any port in or beyond
17 Hudson Strait . . ."

18 Also I did not ask at the time that
19 these people be removed from compulsory pilotage but
20 given the option of whether or not they take a pilot
21 in these areas. If you do take one you pay and if
22 you do not take a pilot you pay one-third, one-half
23 or full dues depending on the bylaws which govern
24 each port.

25 MR. JACQUES: You would not extend
26 the exemption to Canadian vessels trading between
27 Halifax and Boston or Halifax and New York?

28 THE WITNESS: I haven't considered
29 that. We have no trade in that area.

30 THE CHAIRMAN: This is quite a



1 problem in the coastal trade of British Columbia,
2 for instance. It is about 75 per cent of the mari-
3 time traffic between the United States and Canada.
4 Most of the traffic is made up of that. If you
5 extend that to the coastal trade between the United
6 States and Canada you have not many ships paying pilot-
7 age in British Columbia.

8 MR. BRISSET: We might give British
9 Columbia to the United States, my lord!

10 MR. JACQUES: I object. They are
11 now my creditors!

12 THE CHAIRMAN: Is there anything
13 further?

14 MR. BRISSET: Captain Kelly, why did
15 you not extend the exemption you are asking for in
16 (a) of (5) to commonwealth ships engaged in the coast-
17 wise trade?

18 THE WITNESS: I think I answered that
19 one in Toronto. I think that the granting of privi-
20 leges to commonwealth ships may only be to periodic
21 visitors and we run the chance that a change of
22 masters will completely change the status of the
23 ship. This may be somebody else's problem. I
24 don't have any ships of that nature and I haven't
25 really taken an interest in the question. All I
26 suggested was three ships be given this. We only
27 have three at the moment and we suggest they be
28 given the opportunity to elect whether they take
29 a pilot. If they elect not to they should not pay
30 and be subject to dues.



1 THE CHAIRMAN: I can see your point
2 of view.

3 MR. LALONDE: Just a point of clarifi-
4 cation, I understood you to say you did not take
5 pilots on the west coast ever. Do you say that the
6 same applies above Montreal?

7 THE WITNESS: West of Montreal.

8 MR. LALONDE: I submit to you that
9 the IMPERIAL WELLAND for one took a pilot on every
10 trip last year in the Cornwall district.

11 THE WITNESS: That may be. I beg
12 your pardon. We don't restrict our masters. If
13 the master feels that owing to the length of the trip
14 he needs a pilot he is at perfect liberty to take
15 one. The majority trading in the Great Lakes do
16 not. If they wish to they are at liberty particularly
17 on a trip of length. As I mentioned earlier we
18 would not under any circumstances expect the master
19 to pilot from Montreal to Quebec owing to the long
20 nature of the trip.

21 THE CHAIRMAN: Mr. Langlois, do you
22 need Captain Kelly this afternoon?

23 MR. LANGLOIS: Not this afternoon.
24 I would have to get in touch with Captain Dickie.

25 THE CHAIRMAN: If it is one or two
26 facts that you wish that may be important perhaps if
27 we talk to the Imperial Oil people they will say that
28 is all right, we will agree to that.

29 MR. LANGLOIS: I cannot speak for
30 Captain Dicke.



1 THE CHAIRMAN: Will you try and de-
2 termine what facts you wish to establish and we will
3 decide on a course of action. It may be very easy
4 to have the facts put in the record rather than having
5 all those witnesses here to establish one little point
6 that may be very important but that nobody is con-
7 testing.

8 Any further questions of Captain
9 Kelly? Thank you very much, captain. Should we
10 need you again we will contact you.

11 THE WITNESS: I will be available,
12 my lord.



1 THE SECRETARY: The representative
2 of the Department of Mines and Technical Surveys.

3
4 N. G. GRAY, sworn

5
6 MR. JACQUES: I should like to file
7 as Exhibit 1291 copy of the questions which were
8 submitted to the various departments and which were
9 forwarded to all concerned.

10 ---EXHIBIT NO. 1291: Copy of questions for-
11 forwarded to various de-
12 partments.

13 BY MR. JACQUES:

14 Q. What is your name, sir?

15 A. Gray. N. G. Gray.

16 Q. I believe you are the Dominion
17 Hydrographer?

18 A. Dominion Hydrographer.

19 Q. You may be seated if you wish. Mr.
20 Gray, the first question reads as follows: What
21 are the duties and responsibilities of the Canadian
22 Hydrographic Service? Would you please answer that
23 question?

24 A. The Canadian Hydrographic Service is
25 of the Department of Mines.
26 a division of the Marine Science Branch, It is
27 responsible for the publication and maintenance of
28 charts for navigation. This was solely for the
29 purpose of navigation originally. Now we have
30 produced charts as well for commercial navigation,
fisheries, small boat operators, geophysicists and
oceanographers, national defence and for engineering



1 projects.

2 We also publish and maintain thirteen
3 volumes of sailing directions which are a supplement
4 to the charts. Tide tables for the east coast, west
5 coast and Arctic, and water level bulletins covering
6 areas of the Great Lakes.

7 Q. Do you make any surveys of any kind?

8 A. Yes. Also responsible for carrying
9 out field surveys and gauging in the Great Lakes
10 and the coast tidal waters.

11 Q. What do you mean by field surveys?

12 A. These are original surveys from which
13 charts are produced.

14 Q. Do you take soundings?

15 A. Yes, we take soundings, measure
16 currents, measure tidal heights. This is all part
17 of field surveys and control necessary to establish
18 relationships of one part of the chart to another,
19 and location of soundings.

20 Q. Do you make any survey or any study
21 of aids to navigation?

22 A. This is part of the work in field
23 surveys, to locate all aids to navigation within this
24 particular area being surveyed, centre line of chan-
25 nels, shore establishments, conspicuous objects which
26 can be used by navigators for determining their
27 position on the water.

28 Q. Do you make any recommendations as
29 to the suitability of aids to navigation?

30 A. As a result of the survey we indicate



1 the location of all the aids to navigation within
2 the area. These are supplied at the end of the
3 season to the Aids to Navigation for their comments
4 with the necessary information as to depths. We
5 sometimes suggest that the position of an aid might
6 be moved to better advantage.

7 Q. Now, the second question with respect
8 to notices to shipping issued by the district marine
9 agents, have you any duties or responsibilities?

10 A. We have none with regard to notices
11 to shipping with the exception of a standing order to
12 our survey officers that they should report to the
13 local district marine agent if they during the course
14 of the survey find a shoal or some danger, a critical
15 area regarding navigation.

16 Q. Would these orders be applicable also
17 to aids to navigation? Would they be under obliga-
18 tion to report aids to navigation which might be out
19 of order or out of position?

20 A. This would apply to aids to naviga-
21 tion too if they were not as shown.

22 Q. If they were not as shown? In
23 other words if they find something is not as shown
24 on the chart they should report it?

25 A. Report it to the district agent.

26 COMMISSIONER SMITH: With regard to
27 the notices to shipping, do you have anything to do
28 with telling the Department of Transport to whom
29 these notices should go?

30 THE WITNESS: No.



1 Q. The next question deals with notices
2 to mariners, and I should like to know the extent of
3 your duties and responsibilities in that respect?

4 A. The Hydrographic Service is respon-
5 sible for initiating notices containing hydrographic
6 information which may be concerning rocks or any
7 danger to navigation as shown on the charts. Dredging.

8 Q. You say you are responsible for
9 publishing these notices?

10 A. We don't publish notices. We
11 initiate the notices, and it is forwarded to the
12 Department of Transport.

13 Q. And the Department of Transport
14 publishes the notice?

15 A. The Department of Transport publishes
16 these notices, yes.

17 Q. Now, Question No. 4 concerns the
18 nature of the information published in notices. I
19 believe you have just answered your part of this.
20 With respect to Question 5, do you have any comments
21 to make?

22 A. On No. 4?

23 Q. On 4 or 5.

24 A. Question No. 5 has to do with how
25 charts are published and maintained up to date.
26 These charts are published, initiated first by
27 the determination of limits and scales which is
28 done within our office, and this is passed to our
29 regional office for carrying out. The data that
30 is selected, the data that is collected by the



1 regional offices is provided to the headquarters
2 office, and this information is shown on a transparent
3 office copy. This contains all the information.
4 Whether it is included in Notice to Mariners or
5 whether it is new surveys, that will be used on the
6 next edition of the chart.

7 Q. Prior to the next edition of the
8 chart?

9 A. Prior to the next edition of the
10 chart. This is a compilation office copy. Depending
11 on the number of corrections that appear on our office
12 copy determines when a new chart will be published.

13 Q. Now, do you have any method of
14 checking the accuracy of the information which is
15 supplied to you or checking whether it is stale by
16 the time you receive it?

17 A. Well, if we have surveys in the area
18 or adjacent to the area which can be directed there
19 to determine whether the information is up-to-date
20 or not, this is done. Otherwise we depend on other
21 departmental agencies to provide up-to-date infor-
22 mation.

23 Q. But you don't check it?

24 A. We are not able to check it, no. We
25 don't have the staff. If it is a particular aid
26 like a newly determined shoal, we get a survey there
27 as early as possible to check this.

28 Q. When you put out a new edition of
29 the chart do you withdraw the old chart?

30 A. The new edition is published and the



1 old edition is withdrawn; that is correct.

2 Q. The old edition is withdrawn? Do
3 you find that the method of collecting information has
4 been effective?

5 A. This is one of our biggest problems.
6 Canada has a coastline of something over 100,000
7 nautical miles when you consider all the Arctic
8 islands. We have a comparatively small office, and
9 it is extremely difficult -- we find it extremely
10 difficult to keep up-to-date in securing information.

11 Public Works supply this automatically,
12 but I believe Public Works -- this is in regard to
13 sounding and dredging -- is about the only department
14 ^{supply} that does this type of information automatically.
15 This is a very real problem as far as we are con-
16 cerned to get information as to changes that occur
17 and that affect charts. Charts or sailing direc-
18 tions for publication.

19 Q. So in fact there is no guarantee of
20 the accuracy of a chart?

21 A. I wouldn't say this applies to all
22 charts. Sounding charts that are made up from
23 reconnaissance, this is the best information we have.
24 They are a good aid to the navigator, but this is
25 the best that can be supplied with the information
26 that is available.

27 Q. We have filed the chart of the
28 St. Lawrence Seaway, I believe Port Weller to Port
29 Colborne, which is in fact an aerial photograph.
30 Is this the system which is bound to be followed and



1 used elsewhere?

2 A. I don't think so. This is made up
3 in which the shore detail was taken from photographic
4 mosaics. It was more or less on a trial run to
5 see whether this would be suitable or approved by
6 the marine industry. We have produced several of
7 these. One, the Mackenzie River, for example, and this
8 is very well accepted by the people who were using this
9 chart. We tried this one on the Welland canal on
10 a trial basis to see whether it would be liked by
11 the people using the chart.

12 Q. What was the reaction?

13 A. I can't say exactly. I think it
14 was in some areas accepted. They liked it, and
15 other people were lukewarm, so to speak.

16 Q. They were lukewarm about it?

17 A. Yes.

18 Q. Did they give any specific reasons
19 why they didn't want this type of chart?

20 A. It wasn't any comments that they
21 didn't want it. Few favourable comments, let's put
22 it that way.

23 Q. Now, would you move on to Question
24 No. 6 with respect to the division of responsibility
25 in the Great Lakes Basin with respect to publication
26 of charts, etcetera?

27 A. The Hydrographic Service, Canadian
28 Hydrographic Service, publishes charts for the St.
29 Lawrence River and the Great Lakes with the excep-
30 tion of the connecting waterways, Niagara River,



1 St. Clair River, St. Clair Lake, Detroit River and
2 St. Mary's River.

3 The U.S. lake survey provides charts
4 on their side of the Great Lakes, including connecting
5 waterways down as far as St. Regis on the St. Lawrence
6 River. From St. Regis down to the Gulf. Charts
7 are supplied by the U.S. navigation oceanographic
8 office which are reproductions of the Canadian charts.

9 The connecting waterways, we feel that
10 the navigator would be better served by using the
11 U.S. lake survey charts in these areas.

12 Q. Why?

13 A. The office of the U.S. lake survey
14 is in Detroit. They are a branch of the Corps of
15 Engineers which does most of the dredging and the work
16 on the connecting waterways, and they are better able
17 to keep up to date, to keep their charts maintained
18 than we would be in Ottawa.

19 The U.S. lake survey have 169 charts
20 in their folios which they publish and maintain. The
21 Canadian Hydrographic Service have almost 900 charts
22 to publish and maintain and we need probably about
23 600 more for complete coverage in Canada.

24 Q. Now, what about notices to mariners
25 or notices to shipping with respect to aids to navi-
26 gation or with respect to the American area of the
27 lakes?

28 A. The Canadian notice to mariners covers
29 all the Canadian aids and a number of the important
30 American aids on their side of the lakes. With



1 reference to buoys in American waters, notice to
2 mariners covers U.S. lake survey numbers quoted.
3 American notice to mariners covers of course all of
4 their aids and I believe most of the Canadian aids.

5 Q. If I were a mariner entering the
6 lakes and I wanted to have an up-to-date picture of
7 the aids on the Great Lakes, I couldn't rely solely
8 on the Canadian notices, could I?

9 A. Not solely. On the American side
10 you should use the American aids.

11 Q. American notices?

12 A. American notices, yes.

13 Q. So I would have to have both?

14 A. You should have both.

15 Q. And also both sets of charts?

16 A. Yes, you would need both sets of
17 charts if you were trading from one side to the other.

18 Q. Would the Americans have something
19 equivalent to the Canadian notices to shipping which
20 are broadcast by the marine agents?

21 A. Yes. Americans have notices. Three
22 U.S. agencies issue notices to shipping. U.S. coast-
23 guard 9th district, Cleveland; Sault Ste. Marie
24 edition covers the lakes above Lake St. Clair and
25 the St. Lawrence Development Corporation, Massena,
26 New York.

27 Q. Do you have anything else to add
28 on the Great Lakes Basin question?

29 A. Publications. Our service publishes
30 three Pilots covering an area from Quebec to Kingston,



1 Kingston to the lower end of Lake St. Clair, and
2 Volume 2 from St. Clair to Port Arthur, Lake Huron,
3 including Georgian Bay and Lake Superior. This
4 Pilot is published every five years with annual
5 supplements. The U.S. lake survey has one Pilot
6 which they publish annually which covers the area
7 covered by their charts.

8 Q. It doesn't cover Canadian waters?

9 A. In each case the Canadian Pilot
10 describes in detail the Canadian side with less
11 detail reference to the American side of the lakes,
12 and conversely, the American Pilot covers in detail,
13 including connecting waterways, their side of the
14 lakes with less detail reference to the Canadian
15 side.

16 Q. Now, these details are obtained from
17 one agency or through independent surveys?

18 A. Mostly through independent surveys.

19 Q. You wouldn't say "Well, let's have
20 your Pilot and we want to copy half of it in ours"?
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1 A. We exchange information quite freely.
2 They have copies of our Pilots. We always send
3 them the latest edition of our Pilots and charts.
4 We get as well the U.S. lake survey department of
5 revision programme, a chart revision programme
6 covering all their waters, one every three years.

7 Q. But would they come on our side?

8 A. No, they would not come on our side.

9 Q. And you would not go on their side
10 either?

11 A. No. We exchange information.

12 Q. Now with respect to Question No. 7,
13 which reads as follows: "With respect to Canadian
14 Hydrographic Survey Chart No. 1321, Quebec Harbour,
15 explain how the centre line of ship channel was
16 established. Since its first publication, has the
17 Hydrographic Service sought confirmation that said
18 line was still valid?"

19 A. Well, this line was described in
20 part on Chart 1321 as the centre line of the ship
21 channel and first appears on the British Admiralty
22 field sheet of Quebec Harbour in 1887. This field
23 sheet is described as the centre line of the recom-
24 mended chart.

25 Q. And you have no idea how this infor-
26 mation got to you? Who suggested that this be the
27 centre line of the channel?

28 A. Well, I think it was first deter-
29 mined as the centre line of a recommended chart
30 rather than the centre line of the channel.



1 Q. This is marked, I believe, as "Centre
2 line of channel".

3 A. That is quite true, but it appeared
4 on field sheets in 1904 and 1905. It appeared on
5 our first chart of Quebec Harbour, Chart No. 21,
6 in 1909, and has been retained ever since. This is
7 the first instance that this has ever been questioned.

8 MR. JACQUES: Until somebody told
9 you the channel is not there.

10 THE CHAIRMAN: Was it modified or
11 is it the same one as before?

12 THE WITNESS: It is the same one,
13 your lordship, as appeared on the Chart No. 21 in
14 1909.

15 MR. JACQUES: Q. With respect to
16 that line, would your Service think of doing something
17 in the next edition of the chart?

18 A. As a matter of fact this patch had
19 been issued in June, 1964. There was a patch
20 issued showing the changes there. This is the
21 patch that is issued for the notice to mariners that
22 happens to cover that. The centre line is con-
23 tinued across the patch, but the note now does not
24 appear.

25 Q. I see, and do you plan to consult
26 with the navigators with respect to establishing
27 the proper centre line of channel in that area for
28 your next edition?

29 A. I am wondering whether this is really
30 a clear line.



1 Q. A what?

2 A. A clear line, and as this line con-
3 tinues westward it joins the chart, it does become
4 the centre line of the dredged channel for the
5 question.

6 Q. The Commission in the course of its
7 hearings was supplied with what was supposed to be
8 an up-to-date chart of Churchill Harbour. When it
9 got to Churchill it found out there were several
10 buoys and range lights and lighthouses in existence
11 yet not shown on the chart. There was a wharf
12 which was not shown on the chart.

13 A. This is one of our biggest problems --
14 to get information. We were not informed in any way,
15 shape or form that there was dredging contemplated
16 for Churchill harbour or the construction of new
17 wharves and it was only by chance that one of our
18 survey officers went into Churchill on one of the
19 DOT ships. He reported major construction going
20 on in Churchill. This was in August, 1961.

21 We wrote the National Harbours Board
22 to question plans in April.

23 Q. April?

24 A. April, 1962 -- sorry. On the 26th
25 April we got a reply back stating that the work was
26 still in hand, the construction and so on was still
27 going on. So in August, 1962 we sent one of our
28 survey officers in there and he did make a new
29 survey of Churchill Harbour. But of course con-
30 struction was still in progress.



1 In March we have the field sheets --
2 that is, March, 1963 -- the field sheets received
3 from the survey officer and principal field sheets
4 were sent to the port manager of Churchill asking
5 for comments in May. We had the plans returned
6 to the effect that the work was still in hand.

7 In June, 1963, we made draft direction
8 patches which were sent to Churchill to the port
9 manager with specific inquiries about work there.
10 In June, 1963, these patches were returned but infor-
11 mation on the heights of the ranges was not available
12 at that time.

13 In July we sent a follow-up for
14 the heights of the lights and we never did get the
15 heights of the lights until they appeared in a list
16 of lights edition -- the 1964 edition of the list of
17 lights.

18 This is one of our biggest problems
19 -- to find out where work is going on so that we
20 can take action on our charts.

21 THE CHAIRMAN: It is a question of
22 cooperation between the department and the branches?

23 THE WITNESS: Yes. There are quite
24 a number of periodicals and newspapers and so on
25 to refer to. We read them and try to pick up this
26 information as to where work is being conducted in
27 Canada.

28 THE CHAIRMAN: But there is no set
29 procedure whereby any change directed by the Department
30 of Transport, for instance, would be reported to you,



1 or by the National Harbours Board reported to you, or
2 by anybody in charge of the department that would
3 have to report to you right now?

4 THE WITNESS: That is correct.

5 THE CHAIRMAN: There is nothing?

6 THE WITNESS: There is no such
7 procedure.

8 COMMISSIONER SMITH: Is there any
9 obligation on your part to search out and find out
10 where these undertakings are taking place that would
11 involve construction you are interested in?

12 THE WITNESS: We would require quite
13 a large staff, much larger than we have now, to
14 make this search. We have a total staff of slightly
15 over two hundred. This includes field staff, staff
16 on pilots, staff on chart construction, and we just
17 do not have the facilities to get around all over
18 Canada to find out where these changes are going on.

19 THE CHAIRMAN: Was a system thought
20 of whereby all those people would be obliged to
21 report? Was it organized or thought out?

22 THE WITNESS: Oh, we have written . . .
23 Headquarters of Public Works do supply us with all
24 their dredging plans, on which they may show sound-
25 ings as well. The Public Works plans that may be
26 in the district offices that do not come to head-
27 quarters, we do not get those.

28 But I know that we have written to
29 the National Harbours Board asking for this information.
30 When we write and ask for a specific harbour we get



1 the information, but it does not seem to come on a
2 routine basis. That is exactly what we need.

3 MR. JACQUES: My lord, I note that
4 the letter to which I refer in Question No. 8 has
5 already been filed as Exhibit 605.

6 THE CHAIRMAN: I am a bit worried
7 about that because those charts are given to mariners
8 in order to give them information and it seems that
9 they are not absolutely accurate and the people who
10 are making the changes are not obliged to report
11 on these things. Do you not think it would be in
12 the public interest if they were?

13 THE WITNESS: Very much so, yes.

14 THE CHAIRMAN: Why can you not have
15 them be obliged to do so?

16 THE WITNESS: Well, I do not believe
17 there is any regulation to make it mandatory that
18 this should be supplied.

19 THE CHAIRMAN: So you have no
20 machinery now to enable you to enforce that -- to
21 oblige them to report to you?

22 THE WITNESS: No, to my knowledge
23 there is nothing.

24 MR. JACQUES: Q. In other words,
25 they could say that the St. Lawrence Ship Canal
26 could move the channel out there and they would not
27 bother telling you?

28 A. Normally on the production of a new
29 or revised chart we send proof copies to the Depart-
30 ment of Transport, Aids to Navigation and to the



1 St. Lawrence Ship Channel and before the chart is
2 ready for printing or processing we get this infor-
3 mation back.

4 Q. But there is no obligation to tell
5 you they are going to change the channel?

6 A. I do not think there is any obligation,
7 but they should supply us with this information.

8 Q. So incidents similar to the one
9 referred to in Question No. 1 with respect to the
10 Churchill Harbour chart might repeat themselves?

11 A. Very much, yes.

12 Q. And it is going to happen, elsewhere?

13 A. That is correct, yes.

14 THE CHAIRMAN: We had one instance,
15 I recall, in the harbour of Montreal, the east part
16 of Montreal, where even when we sat I think the situa-
17 tion was changed, I think some months ago, and it was
18 reported that some buoys off the north side of the channel
19 the east part, some buoys had been taken in.
20 A shoal had been dug out and it was not shown.

21 THE WITNESS: Port Cartier is an
22 example. We still have not had any information of
23 the establishment of Port Cartier. One of the
24 boys in the office happened to pick this up on an
25 advertisement for workers for this area and through
26 that they found out what was going on at Port Cartier.

27 Q. So officially Port Cartier does not
28 exist as far as you are concerned?

29 A. We have had no official notification
30 of what happened at Port Cartier.



1 Q. So there are people who go around
2 Canada digging harbours and they would not be shown
3 on the chart?

4 A. Not unless we happened to stumble on
5 them.

6 MR. JACQUES: Stumble into it!

7 THE CHAIRMAN: In this respect, are
8 you happy with this situation?

9 THE WITNESS: No, your honour, I am
10 certainly not. I would be much happier if there were
11 some way that all these changes and so on that go on
12 in various harbours of Canada -- if we would be in-
13 formed.

14 MR. JACQUES:

15 Q. To me it would seem quite logical that
16 you should be the first informed of the first changes
17 so that you can notify people.

18 A. I wish there were some regulation or
19 something that this information would be funnelled to
20 us.

21 THE CHAIRMAN: Have you thought of
22 any recommendations we could make on it?

23 THE WITNESS: I have wondered; we
24 have carried on -- we have had extremely good relations
25 with the Department of Public Works and the Department
26 of Transport depending more or less on the supplying
27 of this information.

28 My predecessor, I believe, set up a
29 Department of Public Works for the supply of plans.
30 We have written to the National Harbours Board, the



1 St. Lawrence Seaway Authority, and so on, and we do
2 get information, but there is some of it we do not
3 get; it is missed.

4 COMMISSIONER SMITH: Just along the
5 lines of recommendations mentioned by his lordship --
6 this may involve a bit of policy, but you do not need
7 to answer it unless you want to -- would your depart-
8 ment consider a request for sufficient financial
9 assistance to have a sort of policing branch in
10 your organization to run down all these various new
11 structures and other establishments that are being
12 installed in various places without your knowledge?

13 THE WITNESS: By "policing" do you
14 mean, sir, that a staff that would travel around to ---

15 COMMISSIONER SMITH: Well, I did not
16 have that so much in mind as a sort of a correspon-
17 dence policing organization to check with the various
18 departments and keep on checking and making sure
19 that you get all the information that you desire so
20 that the mariners will have complete information as
21 to the complete running picture all over the nation.

22 THE WITNESS: We do carry on a cor-
23 respondence with quite a number of agencies in this
24 regard. As a matter of fact they gave me a figure
25 of about 1800 plans and letters a year just for this
26 purpose alone.

27 COMMISSIONER SMITH: What prompted
28 my question was more a remark that you made in answer
29 to me earlier that in order to find out everything
30 that you wanted to find out you would have to increase



1 your staff. That is what prompted my last question.

2 MR. JACQUES:

3 Q. Now we all know that major changes
4 have taken place in Montreal harbour. In fact they
5 are building islands. Have you received notice that
6 they are building islands in Montreal harbour?

7 A. We have received nothing on what is
8 going on in Montreal harbour to date.

9 THE CHAIRMAN: Excuse me | on that, is
10 anybody entitled to do anything on the shore of the
11 rivers without asking permission to do so?

12 MR. JACQUES: My lord, if I may answer
13 this, under the Navigable Waters Protection Act you
14 have to submit plans to the Department of Transport and
15 also public notice in the papers.

16 THE CHAIRMAN: Therefore the Department
17 of Transport would be the one to know?

18 MR. JACQUES: Public Works, not
19 Transport.

20 THE WITNESS: Public Works.

21 THE CHAIRMAN: So they are the ones
22 to know?

23 THE WITNESS: Yes.

24 THE CHAIRMAN: And everything else
25 being done, work being done on the river is illegal
26 if it does not have the permission of the Department
27 of Public Works?

28 MR. JACQUES: Yes. In fact it
29 can be demolished under the Act if it contravenes it.

30 Q. Question No. 9 "Is there an



1 established procedure with respect to publication
2 of soundings taken by the Department of Public Works
3 or any other department or agency?"

4 A. Public Works provide us on a routine
5 basis with all dredging plans with soundings in the
6 various areas in Canada. This is supplied to us
7 from the headquarters office in Ottawa. There may
8 be some dredging that is done by Public Works in
9 cooperation with private agencies. This sometimes
10 is not supplied to us unless we specifically request
11 this.

12 Q. But when you receive soundings taken
13 by Public Works -- say, soundings taken last week --
14 you receive them this week; how quickly is the infor-
15 mation out?

16 A. Well, I think this varies quite
17 considerably depending on the extent of the area
18 being dredged. I think this varies. I cannot
19 give you a definite time. I think they are fairly
20 prompt in supplying this information. Normally we
21 supply two copies to the Department of Public Works
22 and if they have a dredging programme on any part
23 covered by this particular chart they would keep us
24 informed of that.

25 Q. I see. Would you publish the infor-
26 mation in notices to mariners as soon as you got it?

27 A. Yes, if it has changes in depth.

28 Q. But as soon as you receive it?

29 A. Yes. It would be promulgated to the
30 notice to mariners immediately.



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1 MR. JACQUES: Thank you, sir.

2 THE CHAIRMAN: Do you have a few
3 questions, Mr. Langlois?

4 MR. LANGLOIS: Just a few questions.

5 THE CHAIRMAN: I will have one, so
6 we might take a few minutes.

7
8 ---Short recess.

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1 CROSS-EXAMINATION BY MR. LANGLOIS:

2 Q. Mr. Gray, I understand that there is
3 no permanent link of communications between your
4 branch and the Aids to Navigation Branch of the
5 Department of Transport?

6 A. No permanent link?

7 Q. Yes.

8 A. There is liaison between our offices.
9 We haven't any -- I don't quite understand what you
10 mean "permanent link"?

11 Q. A permanent channel of communication
12 through which you should receive as they occur any
13 changes pertaining to the channel, for example, of
14 the St. Lawrence between Quebec and Montreal?

15 A. This information is carried on by
16 correspondence between Aids to Navigation and our
17 office. They don't necessarily inform us as
18 mandatory change in aids. These, of course, are
19 picked up in Notice to Mariners between printings
20 of charts. Before a chart is printed we send them
21 proof copies of all routine bases and they examine
22 the aids on the proof copy and if there are changes
23 they indicate on the proof copy the changes.

24 Q. How do you obtain your information
25 from the Department of Public Works?

26 A. Also very similar to that which we
27 obtain from the Department of Transport. We send
28 them proof copies of charts which may be dredged
29 areas, new structures, or anything of this nature.
30 We do get on a routine basis the copies of dredging



1 plans that come to the headquarters office of
2 Public Works.

3 Q. What about the National Harbours Board
4 for the waters located within the limit of the
5 national harbours?

6 A. If the chart covers the harbour under
7 the jurisdiction of the National Harbours Board we
8 would send them copies of the charts or any instruc-
9 tions but we don't get any information on a routine
10 basis from the National Harbours Board.

11 Q. Would you agree this is what happens:
12 when you receive information of permanent changes from
13 either the Chief Aids to Navigation Branch or the
14 Department of Public Works or the National Harbours
15 Board it is plotted on a master chart? Or what
16 happens?

17 A. If the information is critical of
18 course it would appear in Notice to Mariners. If
19 it is of a nature that is not urgent it is plotted
20 on our master copy in the office. This, of course,
21 is picked up in the next edition of that chart.

22 Q. Do you know if in the Notice to
23 Mariners which was issued recently the arc of visi-
24 bility of the leading light between Quebec and
25 Montreal was changed?

26 A. I cannot say offhand. I don't know.

27 MR. LANGLOIS: My lord, may I ask
28 that the counsel for the Commission have a question
29 prepared for the Department of Transport in this
30 respect? I am instructed that the arc of visibility



1 of leading light in the channel was changed and
2 apparently no Notice to Mariners was issued.

3 MR. LALONDE: There was no previous
4 consultation with the pilots; they were not informed.

5 THE CHAIRMAN: Neither before nor
6 after.

7 MR. LANGLOIS:

8 Q. What about the water gauges at Quebec,
9 Nueville, Three Rivers? They are operated and looked
10 after by your branch?

11 A. That is correct.

12 Q. You supply the information daily to
13 the Department of Transport, do you?

14 A. No, the gauges are operated by an
15 attendant who takes a record off about once a week.
16 This record is sent to our office in Ottawa to which
17 the data is compiled. In the case of the gauges
18 of Montreal harbour, for example, the information
19 appears in a water level bulletin which is published
20 once a month.

21 Q. Even the one in Montreal is operated
22 by your branch?

23 A. That is correct.

24 MR. LANGLOIS: Thank you, sir.

25 MR. JACQUES:

26 Q. Would you enumerate the sources of
27 information to which you must turn in order to main-
28 tain your charts?

29 A. I have a list that was prepared by
30 my office of the sources which we go to for information



1 for charts: the Department of Transport Aids to
2 Navigation Branch on the St. Lawrence Ship Channel,
3 the Department of Public Works, the National Energy
4 Board for submerged pipelines, the Hydro-Electric
5 Commission for transmission lines and other infor-
6 mation, the St. Lawrence Seaway Authority, the
7 National Harbours Board, and other harbour commis-
8 sioners, the Canada Gazette, the commercial companies,
9 the Bell Telephone send us plans of their cable
10 crossings; the chart users are encouraged by use
11 of hydrographic note appended on the Notice to
12 Mariners; thirty different magazines and newspapers
13 are checked for information; new projects which we
14 follow up; air photographs are a good source of
15 information as to new construction changes and
16 of course our own survey ships and launches. These
17 are the sources that we go to for information.

18 MR. LANGLOIS:

19 Q. Do you receive any of the sounding
20 plans prepared occasionally by the Department of
21 Public Works before dredging operations are carried
22 out?

23 A. As far as I know they send us all
24 their plans in conjunction with any dredging either
25 before or after.

26 CROSS-EXAMINATION BY MR. BRISSET:

27
28 Q. Mr. Gray, in addition to your central
29 office in Ottawa do you have regional offices in
30 Canada?



1 A. Yes, we have three regional offices,
2 one on the east coast located at the Bedford Institute
3 of Oceanography in Dartmouth, Nova Scotia; the
4 central office is here; and on the west coast the
5 regional office is at Victoria, British Columbia.

6 Q. Now you have told us that you have a
7 staff of about two hundred or two hundred and ten men.
8 What technical qualifications have the men that you
9 use for the technical work, the surveys and so forth?
10 Where do you get your personnel, in other words?

11 A. We get a few graduate engineers.
12 This I would regret to say seems to be kind of
13 drying up. The graduate engineers are loath to
14 go to sea. We have a number of men with masters'
15 and mates' foreign-going papers. We recruited those
16 not too long after the war and this source again
17 seems to be fairly well dried up. A great number
18 now are graduates of the survey technical schools,
19 one is in Lawrencetown, Nova Scotia, and there is
20 another one in Calgary. A number of our staff are
21 from those schools.

22 Q. Do you give additional training to
23 your staff yourself through courses or study in the
24 field?

25 A. Yes. We have had to institute
26 courses for all of our new staff. We have been
27 running the courses now about ten years or perhaps
28 a little bit more. When we first got the masters
29 and mates, the men with the foreign-going tickets,
30 they of course had no survey training and we had to



1 teach them the elements of hydrography and the type
2 of work in the field.

3 The same applies to the survey school
4 graduates. They are the men with the provincial
5 certificates but they have had none or very little
6 experience in hydrography so we have carried on
7 training courses in the office and the field for
8 these groups.

9 Q. During the course of the evidence
10 there is one expression you have used and perhaps it
11 should be clarified for the record. You have spoken
12 of the "field sheet". Will you tell us what that
13 is?

14 A. The field sheet is a sheet that is
15 made in the field by survey officer. It contains
16 all the soundings, location of the buoys and the
17 aids to navigation, the dangers, the shoreline and
18 adjacent structures, objects that may be of value to
19 the navigator to locate his position in the water.
20 All this information is shown on this sheet. It may
21 be a sheet of mounted paper or it may be a sheet of
22 plastic. Plastic is being used now rather than the
23 mounted sheets. This is called the field sheet.
24 On this sheet all the soundings are shown. On the
25 chart might be only anywhere from one-quarter to one-
26 tenth of the soundings taken in the field, which
27 appear on the finished chart.

28 Q. It is from the field sheet, which I
29 assume is kept in the main office, that the charts are
30 eventually prepared and finally published?



1 A. That is correct. We have a technical
2 record section which file all the field sheets pro-
3 duced in Canadian waters.

4 Q. Now if the public would want to have
5 more information, say, on the depth of water in a
6 particular channel, more information than is contained
7 in the available charts, could this information be
8 obtained from your office?

9 A. That is correct. We have quite a
10 number of occasions, probably more so in the last few
11 years, provided photographic copies of field sheets
12 to engineering companies interested in marine work
13 of various kinds.

14 Q. Now, Mr. Gray, we all know, for
15 instance, that the British Admiralty does publish
16 charts of Canadian waters. Is there any liaison
17 between your office and the British Admiralty in
18 connection with the issuance of the British Admiralty
19 charts?

20 A. Yes. We provide the British Admiralty
21 with copies of all of our charts, particularly coastal
22 waters. Admiral Irving, the British Hydrographer,
23 told me their policy is to provide charts up to the
24 approaches of harbours and the navigator should secure
25 the chart for the harbours from the country in which
26 he is sailing into. We provide the British Admiralty
27 with copies of our charts and they provide us with
28 their information. There are a number of areas on
29 the east coast of Newfoundland waters for which we
30 don't have Canadian coverage and we reproduce the



1 British Admiralty charts for these areas.

2 Q. Is there an international organization
3 or hydrographic service that exists at the moment?

4 A. Yes, the International Hydrographic
5 Bureau was organized in 1921 and there are forty-
6 one member nations at the present time. We can
7 exchange hydrographic information between countries.
8 I have the regulation rules to the effect that you
9 can reproduce charts of any of the other countries
10 provided it is not a facsimile copy.

11 Q. Canada is a member of the organization?

12 A. Yes.

13 Q. There is complete exchange of infor-
14 mation between Canada and the member countries
15 belonging to that organization?

16 A. Yes, that is correct.

17 Q. And do you obtain from this organiza-
18 tion information that is useful in your own field in
19 Canada?

20 A. Yes. Besides charting information
21 there is charting methods and new equipment. All
22 this type of information is exchanged. They produce
23 twice a year an International Hydrographic Review
24 and articles appear in this about what other countries
25 are doing hydrographic-wise and you have this source
26 of information.

27 Q. In the same way, if in your organiza-
28 tion you were to develop something new you would give
29 the benefit of what you have developed to the
30 International Organization?



1 A. That is correct. If a new piece
2 of equipment is on the market and we use it and try
3 it and the field tests are run we write up a report
4 and send this to the International Hydrographic Bureau
5 and they produce it in their Review and this informa-
6 tion is available to all the member nations.

7 Q. To pass on to another field, there
8 are, as you know, quite a number of ports, for
9 instance, on the east coast, that are being used by
10 shipping nowadays, ports which are maintained locally
11 and with the changes being maintained by the Depart-
12 ment of Public Works. To what extent are you kept
13 informed of the work being done in these harbours
14 and their approaches?

15 A. If the work is being done by the
16 Public Works and involves dredging we get plans. If
17 it is shore structures or wharves -- I believe we
18 get plans for wharves -- other shore structures we
19 may not get this information.

20 Q. There are, for instance, some
21 channels that do silt quite quickly and in which some
22 event might occur which would reduce the depth of
23 water. Are you informed of the maintenance work
24 that is done, the routine maintenance work, or is it
25 the major work?

26 A. We do get the information on the
27 routine maintenance work if it involves dredging.
28 Normally if a channel is dredged in 1960 to 25 feet
29 that note would be on the chart and the date.

30 Q. You would not have the required staff



1 to make yourself a survey of each of these harbours
2 and their approaches every year, for instance?

3 A. No, very definitely not. We have
4 this year eighteen survey establishments in the field
5 and it cannot begin to cover the navigable waters of
6 Canada.

7 Q. It would have to rely considerably
8 on information supplied to your office by the
9 Department of Public Works or other agencies?

10 A. Various agencies and departments,
11 that is correct.

12 Q. I take it from your evidence that
13 you would strongly recommend some machinery be set up
14 so that you would get quicker and better information
15 than you are getting at the moment?

16 A. I quite heartily endorse that. If
17 there were some machinery to do this it would be very
18 greatly appreciated.

19
20 -

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1 Q. You have been questioned, Mr. Gray,
2 on one of the charts which is a chart of Quebec Harbour,
3 1321, Exhibit 442, particularly on the origin of the
4 mid-centre line of the channel. I notice
5 that on this chart and also on others, but we will
6 restrict ourselves to this chart, that not only is
7 there an indication of what the centre line of the
8 channel is, but there is also an indication of
9 various courses, like at the bottom of the chart
10 on the left-hand side, Sillery course 219 degrees.

11 Would you tell us what is the origin
12 of these notations? There are two or three on this
13 particular chart. For instance, the drydock, you
14 have a course of 229, further down 266, and so forth.
15 Would you give us the origin of these notations
16 indicating courses and what they are intended to
17 convey?

18 A. As to the origin I can't very
19 definitely say, but I presume that they were supplied,
20 the information supplied to us by some agency on the
21 recommended course. They are to convey to the
22 navigator ship's-head, and as an aid in following
23 the particular courses.

24 Q. In other words, they would be the
25 course recommended to the users of these channels?

26 A. These are courses recommended to the
27 users, that is correct.

28 Q. Am I right in understanding, for
29 instance, when you have this notation, Sillery course
30 219, that would be the upbound course, and a ship



1 going downbound would follow the opposite course?

2 A. That is correct.

3 Q. And that is what the note is intended
4 to convey?

5 A. Yes. The note in here refers to the
6 true compass and are given from seaward, so it would
7 be the upbound direction.

8 Q. All of these courses, then, as to the
9 chart are true courses?

10 A. Those are true courses.

11 Q. At the bottom of each of the charts
12 which are issued by your department, and particularly
13 on this one, 1321, there is a notation reading "small
14 corrections from Canadian Notice to Mariners to 1963/22".
15 That means that the chart has been corrected based on
16 the Notices to Mariners up to the 22nd one in 1963?

17 A. That is correct, yes.

18 Q. Now, I take it you are a regular sub-
19 scriber to these notices?

20 A. Yes, we are on the mailing list.

21 Q. And in this respect you have close
22 cooperation with the departments concerned?

23 A. Yes. As a matter of fact, the
24 Notices to Mariners are compiled by the Department of
25 Transport in cooperation with the Hydrographic Service.
26 We usually see them before they are actually printed.

27 Q. And the required changes are made
28 on the chart which you publish up to the date indi-
29 cated on the chart itself?

30 A. That is correct, yes.



1 Q. On the charts that are used on the
2 Great Lakes published by your department, that is on
3 the Canadian side, there is a reference to upbound and
4 downbound recommended courses which have been put
5 on the chart by your department. What is the origin
6 of this, and the reason for doing so?

7 A. These are up and downbound courses
8 recommended, I believe by the Dominion Marine Associa-
9 tion. These are all aids to the navigator -- we
10 put them on there as a help. If they want these
11 things, these courses, we are quite agreeable, and
12 we show them on the charts.

13 Q. You are quite agreeable to show them
14 on the chart, and do show them on the chart even
15 though this recommendation does not emanate from a Go-
16 vernment agency or a government department?

17 A. That is correct, yes.

18 Q. I might be going too far, but you may
19 consider my question if you wish: if another shipping
20 organization, for instance, were to recommend courses
21 in the lower river, say below Quebec, between Quebec
22 and Les Escoumains, in order to have two separate
23 tracks for upbound and downbound ships, would you
24 be prepared to also put this on the chart?

25 A. If this was a recommendation by the
26 marine industry and the various bodies concerned, we
27 would be quite agreeable to show that on the chart.

28 Q. Even though they are shown on the
29 chart they are not intended to be obligatory? In
30 other words, you have no right yourself, as the



1 department concerned with the issuance and publi-
2 cation of the charts, to make these courses com-
3 pulsory?

4 A. No, we would have no jurisdiction
5 as far as any compulsion is concerned. If this is
6 of value and recommended by bodies, we can show them
7 on the chart, but otherwise ---

8 THE CHAIRMAN: You do this on your
9 own without asking the Department of Transport for
10 their approval?

11 THE WITNESS: No, my lord, I did not
12 mean to put that interpretation on it if I did. This
13 would have to come to us as a recommendation from some
14 other government department such as the Department of
15 Transport. We would get a request to show this.
16 We could very easily show it on the chart.

17 THE CHAIRMAN: What I am trying to
18 find out is whether there is a central control for
19 this information or whether it comes from many parts.

20 THE WITNESS: Normally this
21 would come in the terms of the Aids to Navigation
22 under the Department of Transport. We, of course,
23 depend on the Department of Transport for their
24 direction on aids.

25 THE CHAIRMAN: I suppose you have
26 had complaints of lack of information, but have you
27 received any complaints on some information that you
28 have put on the charts that should not be there or
29 wrong information?

30 THE WITNESS: Oh, yes, we do get



1 complaints. For example, buoys may be shown on a
2 chart and there may be complaints, but I think this
3 is the exception rather than -- I think this probably
4 comes in an area where buoys are handled by contract
5 by another agency besides the Department of Transport
6 themselves.

7 MR. BRISSET:

8 Q. In other words, before putting on
9 the chart which you issue what is the recommended
10 course for the upbound ship or the downbound ship as
11 might be suggested to you by the industry itself,
12 you would want to have the approval of the Department
13 of Transport or at least an indication that the
14 Department of Transport is not opposed to the recom-
15 mended courses to be thus shown? Am I correct?

16 A. That would be correct, yes.

17 Q. In other words, you would not go over
18 the head of the Department of Transport and contrary
19 to their wishes or instructions put such data on
20 the chart?

21 A. Oh, very definitely not.

22 MR. BRISSET: Thank you very much.

23
24 BY MR. LANGLOIS:

25 Q. Just one question, Mr. Gray: With
26 regard to properly maintained aids to navigation,
27 do you go to the Department of Transport before
28 publishing any of this information on your chart?

29 A. Yes, very definitely.
30



1 BY MR. LALONDE:

2 Q. If I may come back to that question
3 raised by my friend Mr. Brisset, isn't it a fact
4 that any suggestion for separate courses or recom-
5 mended courses would not be given to you, but rather
6 be addressed to the Department of Transport who would
7 then recommend to you that you put such information
8 on the chart?

9 A. Yes, that would be the correct pro-
10 cedure.

11 Q. As far as you are concerned you will
12 put on what would be recommended to you?

13 A. Yes.

14 Q. And not vice versa? You yourself
15 do not make the final decision in that respect?

16 A. No, the decision on this should come
17 through the Department of Transport.

18 Q. Where are the headquarters of this
19 International Hydrographic Bureau?

20 A. It is Monte Carlo, Monaco.

21 Q. Isn't it a fact that it may take as
22 long as three weeks between the time you have a
23 sounding taken, for instance, by Public Works, and
24 the time this information is given out; between the
25 time the sounding is taken and you get it yourself
26 and it can be put out in the Notice to Mariners?

27 A. In the Notice to Mariners the time
28 lag may be as much as that. By the time it comes
29 in, it is checked, and processed through the records,
30 it could be as much as three weeks.



1 Q. I am informed that a request for
2 soundings was made last spring, soundings outside
3 the channel in the St. Croix area below Three Rivers,
4 and that no information has been obtained as yet in
5 that respect. Would you know whether that infor-
6 mation has been transmitted to your branch or whether
7 it is still with Public Works as far as you are con-
8 cerned?

9 A. I am sorry, I can't tell you offhand
10 whether we would have that information in our office
11 at the moment. I would think if this was done in
12 1963 ---

13 Q. In 1964, in the spring of 1964?

14 A. Well, it is doubtful whether we would
15 have it yet.

16 Q. You don't have anything to do with
17 keeping up the aids to navigation?

18 A. This comes under the Aids to Navigation
19 Branch of the Department of Transport.

20 Q. You said you had some difficulty in
21 obtaining information from the National Harbours Board.
22 Is there more difficulty than with the departments
23 themselves, such as Public Works and Transport?

24 A. Well, I think probably we have
25 occasion to write Transport oftener and Public Works
26 oftener in connection with information on charts
27 rather than the National Harbours Board. We have
28 written the Harbours Board for certain specific
29 information, and we get this information, but it
30 doesn't seem to come in to us on as routine a basis



1 possibly as we have from the Department of Public
2 Works, for instance.

3 Q. How is it from the St. Lawrence Seaway
4 Authority?

5 A. Well, of course, when a new edition
6 of chart comes up we send this to the St. Lawrence
7 Seaway Authority. At times we get information that
8 comes through fairly readily, and at other times it
9 seems we have to ask for it.

10 Q. Is it similar to the National Harbours
11 Board or do you get better cooperation?

12 A. It is a bit difficult to compare these
13 two.

14 Q. You receive all Notices to Mariners,
15 and the fact that you have some information that does
16 not appear on your correct/^{ed}charts, even though these
17 charts have been published after certain Notices to
18 Mariners -- we have had this, for instance, in Montreal
19 harbour-- is it a fact that the Notices to Mariners
20 themselves do not carry that information?

21 A. I don't know the specific reference
22 here, but it could be that the information was not
23 critical as far as the chart was concerned, to be
24 covered in a Notice to Mariners and this would be
25 picked out on the next edition of the chart.

26 Q. Now, to give you a specific instance
27 in that respect, do you have experience yourself that
28 complaints were made that certain information was not
29 given on a chart and that you found out it was not
30 even in the Notices to Mariners which you received and



1 that was the reason why you didn't put it on the
2 chart? Do you have that experience yourself?

3 A. Well, if the chart was in the pro-
4 gramme for revision in a short time, and we have the
5 information, we may not correct the older edition of
6 the chart. This would be discarded.

7 Q. While we are on that, what is the
8 policy, for instance, as far as revision is concerned?
9 Let's say the St. Lawrence Seaway charts. Is it once
10 a year or once every two years and do you have a
11 steady programme of revision?

12 A. Charts, of course, are updated
13 between editions by Notice to Mariners.

14 Q. Yes.

15 A. And between printings, the time between
16 printings may vary from one to perhaps five years
17 or even perhaps longer on the small scale charts
18 where there are few corrections.

19 When we first published charts on
20 the St. Lawrence Seaway I think most of those charts
21 are printed in successive years, but gradually as
22 the Seaway developed and dredging was getting com-
23 pleted and aids pretty well established, the period
24 of printing may run perhaps three, five years.

25 Q. I see. Do I understand you to say
26 that these revisions or new printings as you call
27 them will take place according to the number of cor-
28 rections there have been in that area?

29 A. That pretty well governs the time
30 of printing of the revised copies.



1 Q. Now, you said a few moments ago that
2 if you thought a revision was coming pretty soon you
3 would not issue a correction immediately?

4 A. Well, of course it would depend on
5 what that correction might be. If it was anything of
6 a critical nature, very definitely it would go on the
7 chart. If it is something that could be deferred
8 until such time as the revised edition was coming
9 out, it may be deferred.

10 Q. Who decides whether the matter is
11 critical or not? Is it your branch?

12 A. In cooperation with Aids to Naviga-
13 tion of Transport.

14 Q. Supposing you have new buoys set
15 up or a few buoys taken off, would you consider that
16 critical?

17 A. Very definitely, yes.

18 Q. And a change in the place of a buoy
19 you would consider critical?

20 A. Very definitely, yes.

21 MR. LALONDE: I do not want to take
22 the time of the Commission. I think I had better show
23 the witness this Montreal Harbour chart and he can
24 see it and raise it with his people during lunch, and
25 he should have the answer when he comes back.

26 THE CHAIRMAN: I think we will adjourn
27 now until 2.30 this afternoon.

28 ---Luncheon adjournment.
29
30



1 ---UPON RESUMING AT 2:30 P.M.

2 N. G. GRAY, Recalled

3 CROSS-EXAMINATION BY MR. LALONDE, Continued:

4 Q. Mr. Gray, just before the adjourn-
5 ment I had drawn to your attention Exhibit 451, the
6 Chart of Montreal Harbour, which bears the number 1340
7 of your Service. I have mentioned to you that a pilot,
8 Lavoie, when he testified before the Commission on
9 November 22nd, 1963 -- the evidence is reported in
10 volume 83 of the notes -- said that the indications
11 appearing on Chart 1340 were incorrect at that time.
12 He stated in particular that several buoys had been
13 moved early in the navigation season. He said in
14 his evidence around the middle of May at the latest.

15 Did you have time to check into
16 this matter? If you want to look at this Chart, which
17 is Exhibit 451, you will notice the corrections put
18 in blue by Captain Lavoie on the Chart. Could you tell
19 the Court what explanation there is for this situation?

20 A. This Chart was brought up to date on
21 the 22nd May, 1963 and it contains the last patch that
22 is issued on the Notices to Mariners. In the following
23 year it is a new edition. The number changes here;
24 there is a new edition issued dated June, 1963. I
25 believe the June, 1963 edition contains the information
26 of the changes of these buoys. I believe there are
27 some further changes but there has been ---

28 Q. Yes, we will come to that.

29 I would like to file as Exhibit 451
30 (A) Chart 1340 of the Canadian Hydrographic Service,



1 Marine Sciences Branch, Chart of Montreal Harbour, dated
2 June 7th, 1963.

3 THE CHAIRMAN: What is the number of the
4 Exhibit?

5 MR. LALONDE: 451(A). Should we not
6 annex it to ---

7 THE CHAIRMAN: Yes -- (A); I thought you
8 said "8".

9 MR. LALONDE: No.

10 ---EXHIBIT NO. 451(A): Chart number 1340 of the
11 Canadian Hydrographic Service,
12 Marine Sciences Branch, of
13 Montreal Harbour, dated June 7,
14 1963.

15 Q. The information given on Chart 451
16 was changed through a correction on the Chart. Would
17 you know when this last correction on Chart 451 was
18 done?

19 A. This last patch correction on
20 Montreal Harbour was contained in Notices to Mariners
21 dated July 27th, 1962.

22 Q. So that the last information which
23 would have appeared on this Chart would go back to
24 July, 1962; is that correct?

25 A. That is correct, yes.

26 Q. I see. From your record have you
27 been able to find when you were informed of the changes
28 which appear in the Chart 451(A)?

29 A. I am sorry -- 451?

30 MR. JACQUES: The 1963 edition of the
Montreal Harbour Chart incorporating the changes as
indicated by Pilot Lavoie on the original Chart 1340,



1 Exhibit 451.

2 THE WITNESS: I have no information as to
3 when between these two dates, the date of this last
4 Notice to Mariners and the new edition of the Chart,
5 when we received this information. I do not have that,
6 My Lord.

7 MR. LALONDE: Q. I see. That information
8 would have come normally from what Branch, Division
9 or Department -- or was it the National Harbours Board?

10 A. I believe this came from the Aids
11 to Navigation of the Department of Transport.

12 Q. I see you have correspondence. Do
13 you have that on the file? Would it appear?

14 A. That is the National Harbours Board.
15 There is nothing on our files.

16 Q. Nothing on your files. In your
17 opinion this information would have come, you said,
18 from Public Works or Aids to Navigation?

19 A. Aids to Navigation. Well, the
20 Department of Transport -- whether this comes under
21 St. Lawrence Ship Channel or Aids

22 MR. LALONDE: My Lord, I suppose we may ask
23 Commission Counsel to look into this matter with the
24 proper officers?

25 Q. I understand that Exhibit 451(A)
26 would officially be the up-to-date Chart now. If I were
27 to write to you and ask you for an up-to-date Chart,
28 you would send this one to me?

29 A. This is the Chart you would get.

30 Q. I am informed that the Chart is



1 substantially incorrect now because of the work which
2 is being carried on in connection with the construction
3 of a new bridge between Montreal and Boucherville, I
4 think; is that correct?

5 A. Yes, in this area here.

6 Q. You are referring to the Longue Pointe
7 reach?

8 A. Yes.

9 Q. I understand that the channel has
10 somehow been changed and that you have a substantial
11 amount of work being carried on in the river itself
12 in that area; is that correct?

13 A. This is correct, yes. We learned
14 this through an item in the Montreal Gazette, 24th
15 August.

16 Q. Which year?

17 A. 1964.

18 Q. 1964?

19 A. It was in here and we put this on
20 our maintenance copy. This is our office maintenance
21 copy of the sheet. We were able, by writing around, to
22 get the information. This is on our maintenance copy.
23 But it does not appear, of course, on our Charts, nor
24 has it been picked up by the Notices to Mariners yet.

25 MR. LALONDE: Not by the Notices to Mariners
26 yet.

27 THE CHAIRMAN: About half the width of the
28 river is closed by that tight finger.

29 THE WITNESS: This is correct, yes.

30 MR. LALONDE: Q. I also understand there has



1 been some dredging across Le Poullier de la Longue Pointe
2 changing the channel somewhat. Have you been made
3 aware of such a change?

4 A. No, we have no information on this
5 at the present time in our office.

6 MR. LALONDE: My Lord, I have here the
7 representative of the Montreal Harbour Pilots, who
8 has that information, so maybe he could correct Chart
9 451(A) after Mr. Gray has testified so as to give us
10 an idea of what additional changes have been made.

11 THE CHAIRMAN: That is quite all right.

12 MR. LALONDE: Q. As far as the work being
13 carried on for Boucherville bridge is concerned, that
14 work would have had to be done with the approval of
15 the Department of Public Works, I presume; is that
16 correct?

17 A I presume so. It would become
18 under the Navigable Waters Protection Act.

19 MR. LANGLOIS: It is within the National
20 Harbours Board.

21 MR. LALONDE: Q. Well, it is a matter of
22 legal information, which we might get from the proper
23 people. But you did not receive any information at all
24 on this matter before you read it in the Gazette?

25 A. That is correct.

26 Q. Did you write to some Department after
27 you read it in the Gazette?

28 A. Yes.

29 MR. LALONDE: Mr. Langlois informs me it
30 should be the National Harbours Board who should have



1 provided the information, so we will find out.

2 MR. JACQUES: I note from your file that on
3 July 21st, 1964 you wrote to the Chief Engineer,
4 National Harbours Board, Humson Building, Ottawa,
5 referring to Charts 1340 -- which is Exhibit 451 --
6 and stating that the Chart is being revised and
7 asking them to supply the details and location of any
8 construction, the location, depth and completion date
9 of any dredging that is not charted. That was on the
10 21st July, 1964. Your newspaper clipping from the
11 Montreal Gazette is on what date?

12 THE WITNESS: It is the 24th August.

13 MR. JACQUES: 1964.

14 MR. LALONDE: Q. Did you receive any answer
15 to your letter?

16 A. Here is a reply from the Department
17 of Transport, Ship Channel Branch, Montreal.

18 Q. Of what date?

19 A. The 7th August, 1964, with four
20 changes with reference to this. Shall I read them?

21 MR. JACQUES: Yes, please.

22 THE WITNESS: "(a) No change in aids except
23 the building of permanent
24 structures on Grandes Battures
25 Tailhandier to replace Ile
26 Ronde Range. (Aids could supply
27 more information on this).

28 (b) Longue Pointe Church has
29 been demolished to make way for
30 the Longue Pointe - Boucherville



1 Tunnel-Bridge complex.

2 (c) The contours of Ile Ste
3 Helene and Ile Notre-Dame
4 should be on the new edition.
5 This information could be
6 obtained from the City of
7 Montreal, Director of Public
8 Works.

9 (d) The permanent portion of
10 the dyke north of Ile Dufort
11 (Charron) of the bridge tunnel
12 complex could also be shown.
13 This information could be ob-
14 tained from Mr. J.R. Leblanc,
15 P. Eng., Societe d'Ingenieurs
16 Conseils de Boucherville,
17 Suite 1530, 1 Place Ville Marie,
18 Montreal 2, P.Q."

19 We had written, I believe, to this
20 address under July 10th, the Director of Planning and
21 Works Division, City of Montreal, for information on
22 the location and dimensions of dykes and wharfs, the
23 location of bridges and re-claimed land areas. We have
24 not a reply to this letter.

25 MR. JACQUES: And it was dated July 10th, 1964.

26 MR. LALONDE: Q. And the Department of
27 Transport, the Aids to Navigation Division, informed you
28 only of the demolition of the Church?

29 A. There are four items here.

30 Q. The St. Lawrence ship channel, I am



1 sorry, said the Church has been demolished and that your
2 Chart should show some work being carried out for the
3 tunnel; is that correct?

4 A. The contours of the two islands, Ste
5 Helene and Notre-Dame should be on the new edition and
6 the permanent portion of the dyke north of Ile Dufort,
7 but we have not any information as to the extent of
8 this.

9 Q. Do I understand you to say that there
10 have been no Notices to Mariners as to the extent of the
11 work being carried out for the Boucherville bridge?

12 A. No, to my knowledge no information
13 on this yet.

14 MR. LANGLOIS: Have you been informed, sir,
15 of the current changes in the contour of the island?

16 THE WITNESS: No, we have no information on
17 any current changes.

18 MR. LANGLOIS: In the Harbour of Montreal off
19 Notre-Dame Island?

20 THE WITNESS: No, we have no information on
21 that.

22 MR. LALONDE: Q. Would you be aware of
23 whether that information would have appeared on Notices
24 to Shipping?

25 A. Yes, I would have. This would be
26 covered possibly in Notices to Shipping and possibly
27 picked up in Notices to Mariners at a later date.

28 Q. But have you seen it yourself?

29 A. No, I have not seen it myself.

30 Q. Do you receive Notices to Shipping?



1 A. Notices to Shipping very often are
2 local notices and they are broadcast. If they continue,
3 of course, they are picked up in the regular permanent
4 Notices to Mariners. We get them at the offices, the
5 published ones.

6 Q. I am informed that at least some
7 Notices to Shipping would be in writing?

8 A. Yes. I did not mean to give the
9 impression that none are. Many of them are as broadcast.
10 The ones that are, of course, in writing, we have those
11 in our files in the office.

12 Q. Are they sent automatically to you?

13 A. Oh, yes.

14 Q. Do you know who would be sending
15 these Notices to Shipping to you for instance for
16 Montreal -- where they would come from?

17 A. They would come from the Headquarters
18 Office of the Department of Transport in Ottawa.

19 Q. And when you say "Headquarters",
20 that would be of the Aids to Navigation?

21 A. Aids to Navigation.

22 Q. In effect the Notice of Shipping
23 would go from the local agent to the Department of
24 Transport Headquarters who in turn would transfer to
25 you?

26 A. That is correct.

27 Q. The same would apply to the various
28 agencies in Canada?

29 A. I would expect so, to the best of
30 my knowledge.



1 Q. You would not get it from any
2 agency directly, the Notice of Shipping?

3 A. No. I think they come through the
4 Headquarters Office.

5 Q. Concerning the construction of the
6 Three Rivers bridge, did you hear about that?

7 A. No, I am not aware of this one.

8 Q. You are not aware of this one?

9 MR. JACQUES: Officially or unofficially?

10 THE WITNESS: There may be information in
11 the office on this. I am sorry I can't keep up to date
12 on all of these things. To pick out one item is
13 pretty difficult.

14 Q. You may have information?

15 A. We may have. I can get you the
16 information if you wish.

17 THE CHAIRMAN: As far as that is concerned,
18 there is no danger to navigation as yet. There is
19 nothing showing. Maybe it is in the planning stage.

20 MR. LALONDE: I understand there is plenty
21 of work being done in the river.

22 THE CHAIRMAN: Under the water, we don't see
23 it from the air.

24 MR. LALONDE: You have dredges working.

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26 CROSS-EXAMINATION BY MR. LANGLOIS:

27 Q. Mr. Gray, in connection with the
28 velocity of current in the St. Lawrence River, would
29 your Branch be responsible for measuring the velocity
30 in the Harbour of Montreal?



1 A. Stream gauging is a duty of the
2 Water Resources Branch. Now in the Montreal Harbour
3 where these various agencies are concerned with these
4 sort of things I am not clear under which agency this
5 might fall, whether this is the Montreal Harbour Board --
6 I know the St. Lawrence Ship Channels have done some
7 work and so has Hydrographic in years gone by undertaken
8 current work in Montreal Harbour.

9 Q. I know your Branch is responsible
10 for the gathering of the information and issuing this
11 Chart of Tidal Currents in the St. Lawrence below
12 Quebec. I am wondering if above Quebec you are
13 responsible for such information?

14 A. I don't think it is the responsibility
15 of our Branch. We do gauging on the river.

16 Q. You have not been advised since they
17 made the change in the islands of Montreal to create
18 a new Notre-Dame Island that the velocity has increased
19 in the vicinity of the Jacques Cartier bridge?

20 A. I haven't been instructed on that.

21 MR. LANGLOIS: I am instructed the velocity
22 has increased by one knot.

23 THE CHAIRMAN: While we are thinking of some
24 other questions I will change from east to west. We
25 were told in the northern section of British Columbia
26 the inlets and passages are not very well charted and
27 some ledges and rocks are not shown. Would that be a
28 true picture?

29 A. That could be quite true. I know we
30



1 have a programme of charting on the west coast and
2 some inlets are not in there. There is not too much
3 activity there. We only have a small office in British
4 Columbia. I think we have less than twenty, between
5 15 and 20 survey officers out there and there are a
6 number of areas yet to be surveyed.

7 THE CHAIRMAN: We are told also that on the
8 Queen Charlotte Island, what is now Jeddway Harbour,
9 two years ago, in 1962, there was no real survey of
10 that harbour; there was no survey, no chart as to
11 soundings and so on.

12 THE WITNESS: I am not too familiar with
13 the west coast. My experience has been on the east
14 coast, but that is quite true, there may be areas
15 there which are very badly in need of charting. We
16 try to keep up to date on the charting as much as
17 possible on requests that come for work from the
18 Fisheries, National Defence, Commercial Shipping and so
19 on but there is still quite a bit of new work to be
20 done on the British Columbia coast.

21 THE CHAIRMAN: Any further questions of Mr.
22 Gray?

23 COMMISSIONER SMITH: My Lord, I have one
24 question. Mr. Gray, some years ago the Hydrographic
25 Service was under the Department of Transport. I would
26 like to ask a negative sort of question. I am somewhat
27 afraid to ask an affirmative one as it involves to
28 some little degree a question of policy. Even the
29 negative question that I want to ask may be somewhat
30 objectionable. If you find it such you can give the



1 answer that is given usually by public figures, "No
2 Comment". This is the question that I would like to
3 put to you: Do you think it should not go back to
4 the Department of Transport or something where it would
5 be closer to its main function?

6 A. Well, I think, sir, if I may I would
7 prefer, as you suggest, to offer no comment.

8 THE CHAIRMAN: All right. Thank you very
9 much, Mr. Gray.

10 MR. LANGLOIS: My Lord, before the other
11 witness is called I would like to say that during the
12 lunch hour I was able to get in touch with Mr. John
13 Dickie of Halifax. I informed him of what took place
14 and he would like to see the transcript of evidence
15 before coming to a final decision. I told him I would
16 send a copy as soon as I have same and I will report
17 that to you, Mr. Chairman.

18 THE CHAIRMAN: If we could have that before
19 ten days, we will be here about three weeks.

20 MR. LANGLOIS: That would allow me ample time
21 to get in touch with my principals in Newfoundland.
22 Thank you, My Lord.

23 THE SECRETARY: May it please Your Lordship
24 the next witness is a representative of the St. Lawrence
25 Seaway Authority. The questions that have been addressed
26 to them have been given in writing and I am presently
27 distributing the written answers of the Seaway.

28 THE CHAIRMAN: There is a suggestion that
29 in view of the fact written answers have been given
30 to the questions that we adjourn for a few minutes so



1 you can look them through rather than having them read
2 over. You can then take notes and put any questions
3 you wish and this will be filed as an Exhibit.

4 ---A SHORT ADJOURNMENT.

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SUBMISSION OF THE ST. LAWRENCE SEAWAY
AUTHORITY

APPEARANCES:

MR. R. J. BURNSIDE

MR. J. T. CARVELL - Counsel

CROSS-EXAMINATION BY MR. BRISSET:

Q. Mr. Burnside, I would like to refer you to the first page of your brief which contains general comments and your President makes this statement:

"The present and now congestion, particularly at the Welland Canal, hinders the unrestricted passage of vessels in the Seaway and has made it apparent to the Authority that pilotage shortage can be a factor in reducing the productivity of the deep waterways."

I take it, Mr. Burnside, that when this general statement was made it was not a statement in the abstract but a statement which reflected an actual situation. Am I correct?

A. I would say that there was delay due to pilotage shortage, if that is what you mean, sir, yes.

Q. You were speaking of something that has happened and not something that might happen?

A. That would be correct.

Q. Now, what is meant by the words "pilot shortage"? In other words, is it intended to convey that there is a lack of pilots in numbers or is it intended to convey that pilots are not available at times?

A. I think in essence it would be the



1 same thing as far as we are concerned, whether it is
2 by reason of shortage of numbers or whether a pilot
3 was not at a particular post at a certain time. I
4 would say there does appear to be a shortage of pilots
5 by numbers to fully discharge the objects concerned.
6 There are times apparently when pilots are not sufficient
7 in numbers to carry out the complete work.

8 Q. In other words, Mr. Burnside, would
9 it be correct to state when the words "pilot shortage"
10 were used it could cover the situation that has been
11 described here, for instance all pilots sitting aboard
12 ship -- Seaway pilots operating in the Welland Canal
13 sitting aboard ships in Detroit for days?

14 A. We have no direct connection with
15 that latter. If this occurs it is definitely a factor
16 but to my personal knowledge, I have no personal
17 knowledge of this.

18 Q. All that you know is that you do not
19 have the pilots that would be required in the Welland
20 Canal?

21 A. I know on occasions ships are
22 requested to come in and in their reply they would say
23 they could not proceed because they had no pilot.

24 Q. You never determined why there was
25 no pilot? Whether it was because there was not a
26 sufficient number for the Welland Canal or because the
27 pilots were away from that particular locality, like,
28 as I mentioned, in Detroit or cruising on the open
29 waters?

30 A. That is not within our purview or our



1 responsibility.

2 Q. Now, Mr. Burnside, I want to pass
3 on to the third paragraph on the same page where it is
4 stated: "Furthermore, maximum productivity requires
5 a high degree of cooperation on the part of the persons
6 in charge of ships and requires that they understand
7 operating techniques and comply with operational
8 requirements. In this connection the closest possible
9 liaison between the Authority and the Pilotage Service
10 is, in the view of the Authority, most desirable. "

11 Then I pass on to page 4 at the top
12 of the page where this is stated: "The Seaway is
13 interested in pilotage because the performance of
14 pilots materially affects the safe and expeditious
15 passage of ships. "

16 Now, keeping those two statements
17 in mind, Mr. Burnside, I would like to have an explan-
18 ation for the answer to question 15 in which the
19 Seaway Authority states that it is not in favour of the
20 proposal of the Shipping Federation contained in
21 paragraph or recommendation 4(b) at page 81, which is
22 to the effect that it would be advisable to have a
23 representative of the Seaway give advice or sit as
24 advisor with the Superintendent of Pilots. In other
25 words, how can you expect that you would obtain or
26 attain the objective you are seeking if you do not want
27 to give any advice to the Pilotage Authority or the
28 pilots?

29 A. I think the reference to question 13
30 in the answer is important and most important and is the



1 key to the matter. We were asked whether the Seaway
2 would favour having pilots as employees. I think we
3 could not have both with as much total good result
4 as one or the other but we would not be favourable
5 to part of one and part of another.

6 MR. JACQUES: Would you say that again,
7 please?

8 THE WITNESS: I think we would not be
9 agreeable to having part of the system as Seaway
10 employees as indicated in question 13, I think it is.
11 Yes, as indicated in question 13, and at the same
12 time in some other area of our immediate concern
13 try operating or something of that nature, where you
14 would be giving advice, one to the other. That is
15 what is indicated, I think, here.

16 MR. JACQUES: In other words, you would like
17 the Seaway Authority either to have all pilots cross
18 the Seaway as its own employees or the set-up which
19 would be similar to the one we have now without any
20 connection?

21 THE WITNESS: I don't know -- in fact I do
22 know in our opinion the Seaway is not seeking to have
23 pilots as employees. But assuming that this does come
24 about by recommendation of the august body before whom
25 we are sitting, the Seaway would be ready, willing and
26 prepared to undertake, but it does not appear feasible
27 to have part of that in one area and part of something
28 else in another.

29 BY MR. BRISSET: Q. In other words, if I
30 understand the position of the Seaway Authority correctly



1 it is this: Either the Seaway Authority wants to have
2 full control over the pilots or else it does not want
3 to be involved at all?

4 A. I think that is not correct in two
5 respects. The Seaway does not indicate that it wants
6 it --

7 Q. No, no.

8 A. And it would assume it under proper
9 conditions, but that if the responsibility was given
10 to the Seaway to administer pilotage, that it should
11 not attempt to administer part of it and engage in sort
12 of a triad or triple control in another area.

13 MR. CARVELL: You feel it would be conflicting
14 to answer question 13 and question 15 with a "Yes" in
15 both cases, do you?

16 THE WITNESS: I do.

17 MR. BRISSET: Q. That is the clarification
18 I was seeking, and I quite agree with you that it is
19 illogical.

20 In other words, the Shipping
21 Federation in its brief has not gone as far as to
22 recommend that the Seaway would take full and complete
23 control of the pilots operating within the District
24 or within the area that comes under the jurisdiction of
25 the Seaway. It has simply recommended that the Seaway
26 take a part in the administration of pilotage, at least
27 to the extent of acting as advisors to the Pilotage
28 Authority. You see conflict in the two questions before
29 you, questions 13 and 15? In other words, if you are
30 to take full responsibility, and I am not saying that you



1 will, but if you are to take it it would not be logical
2 that you only be acting as advisor?

3 A. That is correct.

4 Q. I suppose it is for the same reason
5 that in answer to question 14 if you are to take full
6 control of pilotage within the Seaway you would not
7 want pilots to be independent contractors or private
8 contractors because then you would not, I suppose, have
9 the same authority over them as you would if they were
10 your direct employees?

11 A. I think what is indicated there,
12 if it were necessary in the final opinion, whosoever
13 that may be, to have pilots as employees of the Seaway
14 and yet have a series of private contractors, that we
15 should not have administration of private contractors.
16 We would be in conflict.

17 Q. Have you or have your principals
18 examined the situation in the Panama Canal, for instance,
19 before drafting your answers to these three questions,
20 13, 14 and 15? Have you made a study about a system
21 worked in the Panama Canal?

22 A. We have made some investigations as
23 to the Panama Canal operations, particularly their
24 pilots. Yes, we have.

25 Q. You are aware, are you not, that in
26 the Panama Canal the pilots are the employees of the
27 Panama Canal Authority?

28 A. Yes.

29 Q. You found in the system there a method
30 of organization that could be used here in Canada in the



1 Seaway system?

2 A. It could, sir. I don't know that
3 we would recommend precisely that. I don't think we
4 would go quite that far.

5 Q. You would work out, in other words,
6 a system of your own based on the conditions applicable
7 here?

8 A. If the occasion arose, yes.

9 Q. Oh, yes. Now, may I ask you one
10 further question: Have you made any extensive study
11 of the subject, namely the possibility of running
12 pilotage in the Seaway to find out what it would require
13 from the point of view of organization?

14 A. The answer is no. It has not been
15 extensive. We have naturally considered it, but
16 exactly the procedure that presents itself as being
17 most desirable for the Authority to adopt if it were
18 given this responsibility is not in detail. It would
19 be a matter for their judgment.

20 Q. In other words, it would be a matter
21 to be worked out in the future as it is not yet even
22 in the planning stage, or if it is it is a very
23 inchoate plan at the moment?

24 A. It would be not in detail.

25 Q. Would you from your own experience
26 feel that there would be any insurmountable problems
27 in organizing such a system of control of pilotage within
28 a reasonably short time?

29 A. No, we do not see any insurmountable
30 or apparently insurmountable problems. There are plenty



1 of problems which I should say are indicated in the
2 first page which we may find we are unaware, but if
3 the responsibility was made ours, we have confidence
4 that it could be worked out if necessary.

5 -----

6 CROSS-EXAMINATION BY MR. LALONDE:

7 Q. I thought I understood the brief,
8 but with my friend's questions I don't know whether I
9 still understand it. Not because of your answers, but
10 because of his questions.

11 Item 13, if I understand you well,
12 you say your Authority is of the view that it does not
13 want or wish to have the direct responsibility of
14 pilotage; is that correct?

15 A. No, that is not correct. They do
16 not wish to recommend on their own.

17 Q. Well, my question was not complete
18 in that sense.

19 A. I'm sorry.

20 Q. Your Authority does not want or
21 wish to take responsibility for pilotage on its own,
22 but if Parliament or government were to decide that
23 it should be such, then it would work out the arrange-
24 ments; is that correct?

25 A. We would be prepared to accept the
26 responsibility if it were made ours.

27 Q. Then question 14, you go on and say
28 on the other hands if pilots are to remain or to be
29 private contractors of some sort, you prefer that
30 pilotage be run as a separate organization with



1 coordination or contacts with you occasionally, I
2 presume, for necessary purposes, is that correct, but
3 that you do not want to have responsibility adminis-
4 tratively or otherwise over pilots who would not be your
5 employees?

6 A. That is correct.

7 Q. And at question 15 you are saying
8 that unless the government were to decide that pilots
9 should become your employees, you do not find favour
10 with the recommendation of the Shipping Federation
11 which is referred to at question 15. That is, if they
12 are made your employees, you won't need that proposal,
13 and if they are not made your employees, if they remain
14 private contractors, you do not find favour with the
15 proposal. That is the way I read it. I don't know
16 whether it is correct.

17 A. I think what is indicated or meant
18 to be indicated, that it would be difficult to answer
19 15 until 13 was resolved in one way or another. If
20 they did not become employees of the Authority and
21 there was any feasible method by which consultation
22 should take place, that would be another matter. But
23 if the two are considered in one concept, it would be
24 one thing or another.

25 Q. Of course. That is either they would
26 become your employees and you would run the show, you
27 would want to run the show or you would have to work
28 out another arrangement?

29 A. I think we don't know whether we are
30 going to have another arrangement or not.



1 Q. By "another arrangement" you would
2 carry on the way you are doing now with occasional
3 consultations or that type of thing?

4 A. It is not meant to indicate here
5 we would not be in favour of further talks with pilots.
6 I don't want you to get that impression.

7 Q. I see. While we are coming to this,
8 are you aware that the St. Lawrence Seaway Development
9 Corporation on the United States' side has annual
10 meetings with the pilots on the Seaway? Have you been
11 made aware of that?

12 A. Not to my personal knowledge.

13 Q. I am instructed for the last two
14 years such meetings have been called at Messina by
15 the American Authority with the Canadian and American
16 pilots, and also with the Supervisor of Pilots. Have
17 you heard of anything like this?

18 A. I have heard it, sir, but I have
19 no knowledge of it.

20 Q. Did you consider that it might be
21 useful for your Authority to go into a similar procedure,
22 say once a year before the season opens or at the end
23 of the season, to review the operation or something of
24 this sort? Would you look with favour upon that?

25 A. We would look with favour upon this
26 proposition provided construction was not taken out
27 of such a procedure that we were trying or appearing
28 to assume responsibility for administration of pilots.

29 Q. In other words you would like it to
30 be clear that you are then meeting with other people who



1 are not under your own responsibility and these would
2 take the form of consultations with some kind of another
3 body which has to do with shipping in the area?

4 A. That is correct. We would welcome
5 that.

6 Q. Were you present at the meeting
7 that the District #2 Welland Canal pilots had requested
8 at Cornwall?

9 A. I was. I was at one.

10 Q. Were you present when it was
11 indicated to the pilots that they should first discuss
12 subjects with the Department before raising it with you?

13 A. This was rather plainly indicated
14 at that meeting. I don't recall, of course -- I don't
15 recall the words or just exactly how it was put forward
16 at the time, but the impression was very definitely
17 there and appeared to be so considered by the members
18 of the pilots present.

19 MR. LALONDE: Thank you very much.

20 -----

21 CROSS-EXAMINATION BY MR. JACQUES:

22 Q. Coming back to question 13, it reads
23 as follows: "Would the Seaway favour having its own
24 pilots as employees," and the answer is this: "It is
25 apparent that with the employment of pilots --

26 A. If. If.

27 Q. "If it is apparent that the employ-
28 ment of pilots by the Seaway Authority would make
29 better transits, safer and more expeditious, the
30 Seaway would be prepared to accept that responsibility."



1 Am I right in assuming that this is an affirmative answer
2 to the question?

3 A. I think not. I think not. It is
4 a matter for the resolution of the Commission as we
5 would see it, to determine whether this would be an
6 improvement. We are not in a position of recommending
7 this solution. If details and continuous precise
8 examination would indicate that it were desirable,
9 we would discharge the duties.

10 Q. In other words, you have not
11 studied the question?

12 A. No, I think that is not correct. We
13 have studied the question.

14 Q. Would you favour having pilots as
15 your own employees?

16 A. I couldn't answer that for the
17 Authority other than to say that the Authority would
18 willingly accept the responsibility if it became theirs.

19 Q. Now, question 14, let's dismiss the
20 thought of having the pilots as employees of the Seaway
21 and turn to the present-day situation. Do you consider
22 that you have any disciplinary powers over the pilots
23 today with the present system?

24 A. Not at all.

25 Q. Would you favour having greater
26 disciplinary power over the pilots, powers of your own
27 that you could exercise on your own, powers which would
28 obviate your requesting the Department of Transport
29 to take action if a pilot were in breach of the regu-
30 lations?



1 A. I think you are going too far
2 afield for me to attempt to answer it. Under the
3 present conditions any attempt on the part of the
4 Seaway to discipline pilots would be quite out of
5 order, and would certainly be -- would not lead to
6 anything but chaos.

7 Q. Your enforcing discipline would
8 produce chaos?

9 A. Our attempting to enforce discipline
10 over pilots with whom we have no direct connection as
11 administrators would produce chaos. We do administer
12 discipline on the Master of the ship. We have no power
13 or desire particularly to attempt to talk to the
14 pilots in that respect, in a disciplinary respect.

15 Q. I am sorry, I did not understand
16 your answer. You have no desire to exercise power
17 over pilots; is that correct?

18 A. That is correct, in the concept of
19 pilots versus captains. Our discipline is directed
20 towards the ship itself in the person of the Master.

21 Now there are times when the pilot
22 exercises a very strong effect and influence on the
23 process of the ship, on the meeting of other vessels,
24 but the central figure as far as we are concerned,
25 who has full responsibility, is the Master. It is not
26 delegated as far as we are concerned.

27 Q. And you would not be interested in
28 having power over the pilot as such, over and above
29 the powers which you hold over the Master of the ship?

30 A. We would not exercise that impartially.



1 Q. We must make a difference; you have
2 power over the Master when the ship is in your system?

3 A. That is right.

4 Q. You have no power over the Master
5 until he indicates he is ready to enter the system and
6 until you accept him; is that correct?

7 A. We have jurisdiction over the Master
8 when he has begun his transit. We have power over the
9 Master and over the ship by reason of certain things
10 that he must do before he enters -- in preparation for
11 entering.

12 I do not know that I completely
13 understand your question.

14 Q. Now then, the pilot is dispatched
15 at the moment by the Pilotage Authority -- that is,
16 before the ship enters the system. In most cases there
17 is a pilot on board at a Montreal Harbour port or a
18 Seaway port. Anyway there is a pilot on her when a
19 ship enters the system -- a deep sea ship?

20 A. Not always. There are times when
21 they come into Port Weller, for instance, without a
22 pilot.

23 Q. But in the new system I think there
24 is a pilot, and you would find that as it is now you
25 have authority over a ship or over the Master. The
26 ship shall not transit unless it is properly trimmed
27 and in a condition determined by the Authority?

28 A. Right.

29 Q. So that gives you a certain power
30



1 over the ship before she enters the transit. The only
2 authority you have is to say: "No, you are not going
3 to transit."?

4 A. Not quite. We may say: "You may
5 transit if you do something."

6 Q. If you do this or that?

7 A. That is quite right.

8 Q. You would not consider it conducive
9 to a more efficient operation if not only had you power
10 over the ship in her physical state but also power
11 over the person who navigates in fact and in law,
12 because the law states that a pilot is the person in
13 charge of the ship, not being a member of the crew?

14 A. That is not my understanding. He
15 is there as an advisor to the Captain.

16 Q. No wonder we could not understand
17 each other.

18 Now with respect to delays on
19 account of lack of pilots, from April, 1963 to December,
20 1963 you experienced at St. Lambert a delay of seven
21 hours and fifty-four minutes. What would be the
22 percentage that this seven hours and fifty-four minutes
23 represents to the total number of hours your Seaway
24 was open in 1963?

25 A. Well, percentagewise it is small
26 perhaps in terms of value. It is not small in terms of
27 the full success of the operation. The delay times here
28 on that particular sheet indicate the delay suffered by
29 that vessel. There is no account taken there of the
30 vessel that is following him or is waiting for him at a



1 remote lock that cannot move until this other part of
2 the operation is completed.

3 Q. I am sorry; there is a note which
4 states here: "Vessels delayed because of other vessels
5 waiting for pilot" -- and there is an asterisk around
6 the names of each of these vessels?

7 A. Yes.

8 Q. Let us take the first case, the
9 FORT YORK. She was downbound on May 17th and she was
10 delayed for 13 minutes?

11 A. Yes.

12 Q. What was the practical result of
13 that delay on the Seaway operation, if any?

14 A. The delay there...If you are asking
15 for this particular occurrence that occurred on May
16 17th of the FORT YORK, I do not have personal knowledge
17 of it. But taking these delays in the context of
18 what is actually meant by the delays listed there in
19 total, the vessel was delayed 13 minutes, the FORT
20 YORK itself. Thirteen minutes after the vessel should
21 have been in motion it was not in motion -- until
22 the 13 minutes were up. Other vessels that were
23 proceeding -- assuming this was downstream, which
24 it says it was -- the opposing vessels waiting to move
25 upstream would be delayed at least the 13 minutes
26 until he had completed his passage. They could not
27 come into motion as they normally would, say, an hour
28 later.

29 So these delays are not extended
30 to represent the total effect on the passage of ships.



1 They are more serious, in other words, to the success
2 of the operation than is indicated here.

3 Q. I would like to be able to grasp
4 the seriousness of these delays.

5 A. It depends a great deal on the
6 pressure of shipping. The heavier the shipping is
7 at that particular time, the greater delay, and the
8 further it is transmitted. To give a percentage
9 reply to that would be somewhat difficult.

10 MR. JACQUES: My Lord, I am given to
11 understand that data on delays to navigation for the
12 western navigation would be prepared and filed tomorrow,
13 so we will have a complete picture.

14 Q. Now question number 3, sub-paragraph
15 (a); the question reads as follows: "With respect
16 to 'navigational ability' of shipping, the Seaway
17 Authority has various requirements, but there appears
18 to be no inspection system; it seems that Seaway
19 relies on pilots. Is it considered a delegation of
20 authority by Seaway to pilots in view of the wording of
21 Section 5 of the Seaway regulations PC 1962-390?"

22 And your answer: "No, it is not
23 the delegation of authority."

24 You would not consider that a
25 delegation of authority -- your entrusting the pilot
26 with the care to insure the vessel is seaworthy and
27 in proper trim and well-ballasted?

28 A. We are not delegating authority to
29 pilots to be responsible to us. We see those ships
30 many times when the ship enters the lock and at that time



1 the lock crews and the Canal superintendents are in
2 a position to check that the draught, the condition
3 of trim and ballast and other items pertaining to the
4 propriety of its passage are in order.

5 But each ship that requires a
6 pilot has a very competent person aboard her who must
7 examine it within certain limits for his own purposes
8 to determine what he is going to navigate.

9 The impression here that we are
10 attempting or have delegated the authority is completely
11 erroneous because we have not. At the same time we
12 have not a force of men in our employ of the same
13 calibre and numbers as the pilots who actually are
14 available to board a ship immediately before entering
15 and examine these things. We are attempting to
16 indicate that since this does occur by a perfectly
17 competent individual, we would welcome a freer
18 dissemination of information that the pilot collects
19 at that time and as his professional opinion we would
20 be glad to have it.

21 This is a service that under our
22 present limits and I think under normal limits is
23 not available to us. We inspect the ships initially
24 but we do not have personnel that go and inspect the
25 ship before it enters.

26 Now there are many cases where the
27 pilots con the ship over quite extensive areas before
28 they enter our waters at all and they know a lot about
29 that ship that probably no one else but the Captain and
30 the deck officers know. If there is something of a



1 questionable character about her handling abilities
2 or any other of the many things that affect it, that
3 can be corrected, we would welcome the pilots making
4 this known to us so that we can either correct it before
5 it comes into our system -- where it is extremely
6 difficult to do it on account of lack of space -- or
7 take other steps to make a correction.

8 I am sure the pilots -- I am going
9 out on a limb here for a moment -- would tend to welcome
10 anything that we are, in our sphere, able to do to
11 help produce a more manageable ship under certain
12 conditions, which would extend far enough to refusing
13 entry if we knew of the condition at the time.

14 This is not something that happens
15 to every ship. It is a very small proportion. But it
16 is extremely important and the ships that are concerned
17 that may be some reason or other be improperly fitted,
18 or the steerage, for instance, may be faulty -- we
19 have no method of knowing that except primarily
20 through the pilots.

21 Q. That is right. Then you say that
22 you would welcome pilots making you aware of these
23 defects -- correct?

24 A. Yes.

25 Q. But there is no obligation on the
26 part of the pilot to do so, is there? In fact, according
27 to the stand taken with respect to the pilots, with
28 respect to the Seaway, they do not exist. There
29 exists a ship, that is all, and a Master?

30 A. Pardon?



1 Q. There exists a ship and a Master?

2 A. There exists a ship and a Master,
3 but with a very competent person as his detailed
4 advisor.

5 Q. But there is no obligation on the
6 part of the pilot, if he does not agree with the
7 Master, to get in touch with the Seaway Authority and
8 say: "Look, this ship can't go through because we
9 are going to smash gates and whatnot."?

10 A. I think it depends on the context.
11 I am not an expert in pilotage, but as I understand
12 it it would be part of the responsibility of the pilot
13 to make known deficiencies that exist aboard that
14 ship, even to the extent of making his dispatching
15 personnel aware.

16 This has occasionally happened to
17 our knowledge. It may happen any time, but it has
18 occasionally happened when a ship is coming down and
19 has faulty steering, for instance. That is made known
20 to the Pilotage Authorities, the person in charge,
21 and some extra precautions are taken with this ship.
22 Or even it could be that the Master is advised to go
23 to the wall until he corrects the trouble.

24 Q. But you cannot point to any of your
25 regulations imposing on the pilot the obligation to
26 warn the Seaway Authority of any deficiency of the
27 vessel?

28 A. We have no regulation directed towards
29 the pilot, period.

30 Q. Now question 3, sub-paragraph (d) is:



1 "Why are linesmen not provided at the Canadian locks
2 on the same basis as they are provided at the American
3 locks?" Your answer is: "Assistance is given at the
4 Canadian locks by tying up ships experiencing diffi-
5 culty due to reverse wind, etc., but not apparently as
6 frequently as American locks."

7 If my memory serves me right, the
8 pilots were unanimous in stating -- and you might
9 correct me on that -- that they never received
10 assistance from the Canadian locks.

11 A. They do. There may be many pilots
12 who have not experienced this situation, but we do
13 assist ships. If the ship is in difficulty and it
14 is known to the Lockmaster who is in a position of
15 having enough men and time to get there, he does offer
16 assistance.

17 The important thing, I think, is
18 in the rest of the answer, which concerns the position
19 of extra linesmen at tie-up walls. Your question, if
20 I might say so, indicates that it is at the locks,
21 meaning in the locks.

22 Q. No -- making the lock.

23 A. Yes. The way it is written would
24 be "at the locks", and at the locks we have the same
25 facilities and a fuller number of men. At the
26 approach to the locks we do assist ships on occasion,
27 but not as frequently or perhaps as readily even as
28 the Americans do.

29 Our opinion generally is that we
30 would be better to face this problem and provide



1 linesmen on the approach walls as well as in the lock.
2 That certainly is my personal opinion -- which I should
3 make clear, if not necessarily that of the official
4 Authority. We have had representations from many
5 sources that the linesmen should be provided. They
6 all agree that they should be provided, but when the
7 matter of payment arises So up to the present
8 time we have had a change of heart -- or a change of
9 accessability of the pocketbook -- because they do
10 not agree to pay for it.

11 Perhaps that condition will change.
12 Certainly the facility with which the ships move
13 through the Welland, for instance, as well as the
14 St. Lawrence area would, I am thoroughly convinced,
15 be improved if we had a regular system of linesmen
16 on the approach walls.

17 Q. Do you require stern anchors in the
18 Seaway?

19 A. No, it is not mandatory; it is
20 recommended.

21 Q. What are your views on the usefulness
22 of stern anchors in the Seaway, not in the lock itself?

23 A. They are most desirable. There are
24 areas of the Seaway where under certain conditions the
25 ship simply could not avoid trouble without stern
26 anchors. For instance, there are sections, quite
27 extensive sections of the Canal that are much too narrow
28 for a downbound ship to halt in without having a stern
29 anchor because if they drop bow anchors, swing and
30 drop bow, they go crossways of the system and there are



1 many places where the results would be to disable the
2 ship, probably disable the ship. Also there are
3 places where the bridge structures are endangered by
4 a ship that is unable to stop in an emergency.

5 Stern anchors are most desirable.
6 There was close consideration given to making it
7 mandatory at one time, but as in many other cases the
8 economics came into the question and it was recommended
9 but not made mandatory.

10 MR. JACQUES: Thank you, sir. Before leaving
11 off I should like to file as Exhibit 1292 --

12 THE SECRETARY: For the record I think we
13 should give a number to the written answers of the
14 Seaway, which would be Exhibit 1292.

15 MR. JACQUES: I was going to say the
16 answers submitted by the Seaway Authority, together
17 with the St. Lawrence Seaway regulations.

18 THE SECRETARY: Could we possibly have
19 two separate numbers as we are dealing with regulations.

20 THE CHAIRMAN: You may give them two
21 numbers.

22 ---EXHIBIT NO. 1292: Answers provided by the Seaway
23 Authority.

24 ---EXHIBIT NO. 1293: St. Lawrence Seaway regulations.

25 MR. JACQUES: I have a copy of Public Law 358,
26 83rd Congress, and Public Law 85108, the 85th Congress.
27 These two laws are the statutes creating the St.
28 Lawrence Seaway Development Corporation, the American
29 counterpart of the Seaway Authority. I should like
30 these files as Exhibit 1294.



---EXHIBIT NO. 1294: Statutes creating the St. Lawrence Seaway Development Corporation.

CROSS-EXAMINATION BY MR. LALONDE:

Q. I notice that in the Delays to Vessel there is 44 hours and 7 minutes and lack of pilots is 8 hours, 50 minutes. Do you know what is under this item Delays to Vessel? Is it the vessel waiting for laundry or various other items like that? It is almost five times as much delay as for lack of pilots.

A. Anything that was delayed by some occurrence aboard the vessel as opposed to equipment, which would be Seaway equipment, not equipment aboard the ship, an obstruction which would mean some foreign object in the channel and the weather, which is self-explanatory. Anything precisely or definitely due to the vessel itself would be under that heading.

Q. And would that be in addition delays due to lack of pilots?

A. As a matter of fact I don't know where this pilot delay directly on the ship went, whether it was put against the vessel or not. It would not be equipment, it would not be obstruction, it could not be weather. It has got to be the vessel itself. It is only by that method that I personally know. Up until quite recently the delays, while perhaps annoying or bothersome, were not significant hour-wise.

Q. But you would not know in detail, you



1 would not know more specifically what would be the
2 meaning of the delays which would be over five times
3 as much for other items as for lack of pilots?

4 A You are speaking of vessels?

5 Q. Between region 64 -- 44 hours, 7
6 minutes. If you go back to the previous page you have
7 the total time of 8 hours and 15 minutes due to lack
8 of pilots.

9 A. As a matter of fact I am surprised
10 that the percentage of delays to pilots was as high
11 as it is when viewed against all the other delays that
12 can happen to a vessel. I didn't realize that it was
13 that much. Any delay that occurs to a vessel by reason
14 of the vessel itself is in there.

15 MR. JACQUES: I think the first thing you
16 have to improve is the weather!

17 THE WITNESS: Yes, that is most difficult too.

18 MR. LALONDE: Q. I notice you have
19 several delays which are connected with downbound ships
20 also. Was any examination made whether there was not
21 excessive speed of some ships between St. Catharines'
22 lock and St. Lambert's lock? Whether it could be
23 because the ship arrived too early or earlier than
24 expected according to the ETA?

25 A. We have the speed which vessels
26 are expected to maintain. Any excess of speed or
27 any slow manoeuvring tends to delay and disrupt the
28 system. A ship that advances too quickly might perhaps
29 arrive at its destination before the pilot was there
30 but I think it is incumbent upon the pilots to be there



1 when the ship is and also upon the ship, which would
2 have, presumably many will have a pilot aboard, to be
3 there when it should be.

4 Q. My question was whether you made a
5 check in these particular instances?

6 A. Not in these instances as a class,
7 no.

8 Q. Now have you been made aware of a
9 request -- I am sorry, I am going out of your brief
10 now -- a request for a shelter at St. Lambert lock?

11 A. Yes, indeed we have.

12 Q. Now I understand that the pilots
13 have been requesting for quite some time that a shelter
14 be built on the eastern side of the lock. Is that
15 correct?

16 A. The Montreal side, which would be
17 the westerly side. I think the original request was
18 on the western side. Recently, within a matter of a
19 year or two, it has been requested on the eastern side.

20 Q. I understand the shelter is
21 requested for the St. Lambert side of the lock?

22 A. At the present time it is, yes.

23 Q. Now has the Authority any opposition
24 to such a project?

25 A. No. The various consultations have
26 been cleared out with the pilotage representatives and
27 the Authority, the Pilotage Authority, with a view
28 towards obtaining a shelter there. I believe that
29 there was no opposition particularly to it. It may be
30 a matter of finances. I don't know. Really it is not



1 our part of it.

2 MR. LALONDE: Thank you very much.

3 -----

4 CROSS-EXAMINATION BY MR. BRISSET:

5 Q. One question, Mr. Burnside. In your
6 brief on page 1 you say the Authority is vitally
7 concerned with the system of administering the pilotage
8 service in the Seaway. May I go further and ask if
9 the Authority considers that there could be improvements
10 in the present system?

11 A. Unquestionably, yes.

12 Q. May I go a step further and ask
13 if the Seaway Authority is satisfied with the present
14 system?

15 A. You refer to the pilotage system?

16 Q. Yes, the pilotage system.

17 A. No, it is not by reason of the fact
18 that there are delays to it. To be satisfied there
19 would be no delays.

20 Q. Now I take it that the Authority
21 would prefer to leave it to this Commission to make
22 the recommendations to bring about the improvements
23 required. Is that correct?

24 A. As I understand it, yes.

25 MR. JACQUES: If you are dissatisfied with
26 the pilotage or the delays, you might be dissatisfied
27 with your equipment --

28 THE WITNESS: You might have to build a
29 new street but you would be dissatisfied with the street.
30 The disruptions of the animal would be something you



1 could do something immediately about.

2 COMMISSIONER SMITH: I just have one question.
3 Mr. Burnside, the information that has come to me
4 through the fourth estate -- it is not so terribly
5 official -- was this: This year to the end of July the
6 U.S. mills received nearly eight million tons of iron
7 ore from Canada. Up 29.8% from a year earlier. Now the
8 question is this: If that trend continues in the
9 increase of the Canadian ore over the ore from the
10 Mesabi Range, or wherever else it comes from on the
11 other side, what effect will that have on the revenues
12 of the Seaway Authority, if any?

13 Now I realize that a lot of the ore
14 from the Lower St. Lawrence goes to the smelters in
15 Hamilton and maybe elsewhere which perhaps would not
16 interfere too much with the picture, but can you give
17 me some answer to that question?

18 THE WITNESS: Any increase in volume of ore
19 through the St. Lawrence portion would definitely
20 increase the total of revenue. At the present time
21 there are no tolls on the Welland so an increase there
22 would have no effect on the revenue as such but certainly
23 it would increase.

24 COMMISSIONER SMITH: If this trend continues --

25 THE WITNESS: If the trend continues bringing
26 ore from the Lower St. Lawrence to the American ports
27 above Port Colborne or even above Iroquois, it would
28 definitely increase the revenue.

29 COMMISSIONER SMITH: It may be that that
30 29.8% is somewhat misleading to this extent, that there



1 has been a general increase all over in ore from, I
2 presume, both fields?

3 THE WITNESS: I cannot answer that to my own
4 knowledge. I understand so but I don't know.

5 COMMISSIONER SMITH: Thank you very much.

6 MR. LALONDE: There was a point which was
7 connected with this brief and which I don't have
8 any questions to ask Mr. Burnside about. Your Lordship
9 will remember in the various Districts, particularly
10 when we had this information in Montreal, the Pilotage
11 Authority was requested to provide explanations for the
12 delays. You will remember there were a large number
13 of instances due to late call by ship or pilot and
14 things like that. Maybe it would be worthwhile to
15 ask the Pilotage Authority to complete the information
16 in connection with this latest information as it did
17 with the previous one.

18 THE CHAIRMAN: That is a very good suggestion.
19 We will do that.

20 THE SECRETARY: May it please Your Lordship,
21 I should like to ask the witness a question. I under-
22 stand you to say in regard to the question put by
23 Commission Counsel that it is your understanding that
24 the pilots piloting in the Seaway locks, as distinguished
25 from the connecting channels, are advisors to the
26 Master?

27 THE WITNESS: With one exception, yes. I
28 know of no distinction between the responsibility, as
29 I understand it, of a pilot in connecting channels or
30 in the lock itself.



1 THE SECRETARY: You know, Mr. Burnside, the
2 definition given in the Section of the Shipping Act
3 pertaining to pilotage on the Great Lakes, the
4 restricted areas and the non-restricted areas or the
5 open waters. I was basing my question on the restricted
6 areas, keeping in mind mainly the locks of the Seaway
7 and also some connecting channels, not the open waters,
8 the areas where the Seaway Authority at least on the
9 Canadian side has some jurisdiction. The Welland
10 Canal would be a case in point. The pilots operating
11 in the Welland Canal, do you consider them as advisors
12 to the Master?

13 THE WITNESS: That is my understanding. They
14 are not in charge of the ship certainly.

15 THE SECRETARY: Did you get instructions
16 to that effect or are these your personal views? Have
17 you been told that they were advisors?

18 THE WITNESS: I will have to go back quite
19 a way. That has been my understanding as long as I
20 have had anything to do with it.

21 THE SECRETARY: With the Seaway Authority?

22 THE WITNESS: With ships.

23 THE SECRETARY: With ships?

24 THE WITNESS: Yes, canals and ships.

25 THE SECRETARY: The law has been changed
26 since.

27 THE WITNESS: I am not up to date.

28 THE SECRETARY: Could you possibly check and
29 advise the Commission whether you have received
30 instructions from your superiors as to the status of the



1 pilots in the Seaway locks?

2 THE WITNESS: I have received no instructions
3 as such.

4 MR. LALONDE: I have one last question.
5 You said that your people would help moor ships below
6 the locks, above the locks. Would that apply in
7 the Welland Canal or also in the other areas of the
8 Seaway?

9 THE WITNESS: It applies occasionally at
10 both places. At lock 7, for instance, there is
11 assistance given. At other locks occasionally
12 assistance is given.

13 MR. LALONDE: Do you know of any instances
14 where this occurred either at St. Lambert, St.
15 Catharines or Beauharnois?

16 THE WITNESS: I can't give you times and
17 places, but when a ship is coming into St. Lambert
18 and it is obviously in difficulty, men are sent from
19 the locks to assist her. Now, this must not or should
20 not be construed as meaning that every time a ship
21 makes her landing at the wharf and falls off because
22 she is not secured that the men are sent down because
23 it is unacceptable practice and time is not available
24 to do so.

25 MR. LALONDE: This one you are referring to,
26 is this a policy which has been given under the form
27 of instructions to the lock masters, or is it left
28 completely to the individual lock masters to decide?

29 THE WITNESS: Whether assistance will be
30 given on a particular case is left to the lack master



1 within the limits of his authority.

2 MR. LALONDE: But my question was do you
3 know of any original instructions having been given
4 to lock masters authorizing them to do such a thing
5 or advising them to do such a thing occasionally?

6 THE WITNESS: I don't recall whether that
7 is within written instructions or not, but this applies
8 as much as anywhere else with our bridges were a ship
9 in difficulty; particularly an ocean ship is quite
10 prone to come in at an angle so that either her bow
11 or stern protrudes over the lock walls and may destroy
12 a bridge.

13 MR. LALONDE: Yes?

14 THE WITNESS: Perhaps our assistance is of
15 a selfish nature in that we are attempting to prevent
16 disruption of the service by a smashed bridge which
17 ties them all up.

18 MR. LALONDE: I presume this must be on very
19 rare occasions because I have met no pilots yet who know
20 of any such instances.

21 THE WITNESS: I could give a smart answer
22 to that, but I won't.

23 MR. LALONDE: I am told that for ships
24 downbound at St. Lambert they are occasionally instructed
25 or required to leave the lock and go downbound in the
26 river even if there is very dense fog and the pilot
27 applies to the contrary. Is this a matter again that
28 is left to the decision of the lock master or is it
29 a policy of the Seaway that vessels should clear the
30 Seaway under any weather conditions as far as fog is



1 concerned?

2 THE WITNESS: Definitely it is not an
3 instruction to do so, and I would doubt whether any
4 lock master would so instruct a ship. They might
5 instruct a ship to move themselves along the wall in
6 an attempt to moor at the lower end. There may be
7 cases where the opinion of the pilot and the opinion of
8 the lock master or Canal Superintendent may be at
9 variance, or the opinion of the Master of the ship.

10 MR. LALONDE: Yes, but suppose the pilot
11 and the Master would be in agreement, if the opinion
12 of the Superintendent is to the contrary, this ship
13 would be ordered out?

14 THE WITNESS: We are at great pains to
15 insist that the employees avoid attempting to move
16 ships during fog. However, it is difficult -- for
17 instance, on the Welland, one area will be banded off
18 with fog and another will be completely clear, and to
19 get this information to the dispatcher is sometimes
20 a little difficult. We do have a series of points that
21 fade out so that they are not visible by eye under
22 certain fog conditions, designed to be safe at that
23 point. If they are not visible, stop.

24 MR. LALONDE: It is not a matter of policy
25 of the Seaway itself?

26 THE WITNESS: No.

27 THE CHAIRMAN: Any further questions, Mr.
28 Brisset?

29 MR. BRISSET: No.

30 THE CHAIRMAN: Thank you very much. I think



1 we have no further business for today. We will
2 adjourn now to tomorrow morning at ten o'clock here.

3
4 ---WHEREUPON THE HEARING ADJOURNED AT 4:40 P.M.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

Ottawa

VOLUME No.:

139

DATE:

Sept. 15 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Exchequer Court Building,
Ottawa, Ontario, on Tuesday,
the 15th day of September, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Cor- poration of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. R. Langlois	for the Canadian Mer- chant Service Guild
Mr. Colin Mason	for the Dominion Marine Association



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Ottawa, Ontario,
Tuesday,
September 15, 1964

---Upon commencing at 10.00 a.m.

MR. JACQUES: My lord, I should like to file several exhibits, the descriptions of which have been circulated among counsel. With your permission we shall dispense with describing them. The list will start with Exhibit 1295.

THE CHAIRMAN: I understand it was circulated among counsel but not among those who will read the record.

MR. JACQUES: It will be reproduced in the record. The stenographer has a copy of the list also, and she will reproduce the description of the exhibit. No. 1 will be Exhibit 1295, and consecutively up to No. 14. That is, 1295 to 1308 inclusive.

THE CHAIRMAN: Just a word of explanation. These documents were prepared by the DOT, for the Dominion Marine and Shipping Federation, and we have received a copy of that. This was special information requested by them direct to the DOT, and we received a copy, and as in our analysis we had to go through and check and obtain further information from those documents. We want those documents in our evidence, in the record, so that we can refer to them. That is the reason why we are putting them there, not as proven, but just as statistics, and also as showing what is the information given by the DOT.



1 ---EXHIBIT NO. 1295:

A complete breakdown of expenditures incurred, directly or indirectly, by the government for marine pilotage, including headquarters' expenditures, for the years 1960-61, 1961-62, 1962-63 and 1963-64.

6 ---EXHIBIT NO. 1296:

Comparative tables showing the 1963 pilotage tariffs that would be applicable in a number of districts to four selected types of vessels for pilotage in and out, moveages, compass adjustments, trial trips, detention, cancellation, quarantine, pilot boat, etc.

12 ---EXHIBIT NO. 1297:

Gross pilotage revenue and earnings for both pilots on strength and effective pilots for the main districts during 1961.

16 ---EXHIBIT NO. 1298:

Summary of pilots' time on assignments in the main districts during 1962.

18 ---EXHIBIT NO. 1299:

Gross pilotage revenue and earnings for both pilots on strength and effective pilots for the main districts during 1963.

21 ---EXHIBIT NO. 1300:

Summary of pilots' time on assignments for the main districts during 1963.

24 ---EXHIBIT NO. 1301:

Comparative statement of gross revenues and pilots' earnings per effective pilots for the main districts for 1961, 1962 and 1963.

27 ---EXHIBIT NO. 1302:

Statements of workload of busiest Canadian and American pilots during busiest and least busy month for 1962 and 1963, District No. 1.



- 1 ---EXHIBIT NO. 1303: Statements of workload of
2 busiest Canadian and American
3 pilots during the busiest and
4 least busy month for 1962 and
5 1963, District No. 2.
- 6 ---EXHIBIT NO. 1304: Statements of workload of
7 busiest Canadian and American
8 pilots during the busiest and
9 least busy month for 1962 and
10 1963, for District No. 3.
- 11 ---EXHIBIT NO. 1305: Statements of workload of
12 busiest pilot during the
13 busiest and least busy month
14 for 1962 and 1963, B. C.
15 District.
- 16 ---EXHIBIT NO. 1306: Comparative statements of
17 the total workload of all
18 pilots in the main districts
19 during the busiest and least
20 busy month during 1961,
21 1962 and 1963.
- 22 ---EXHIBIT NO. 1307: Statements giving the number
23 of effective pilots in the
24 main districts for each of the
25 six years, 1958 to 1963 in-
26 clusive, together with copies
of exchange of correspondence,
May 7 and May 23, 1963,
between the DOT and Royal
Commission.
- 27 ---EXHIBIT NO. 1308: Statement giving number of
28 vessels not taking a pilot
29 although subject to compul-
30 sory payment of pilotage
dues in the districts of
Montreal, Cornwall, British
Columbia, Saint John, Sydney,
Bras d'Or Lakes, Halifax and
Quebec for 1961, 1962 and 1963
only.

MR. JACQUES: I shall now start a series
of questions on Escoumains, Quebec, my lord, and I
shall call Mr. Mahoney in Aids to Navigation, Depart-
ment of Transport.



1 My lord, my attention is drawn to the
2 fact that the party to appear today was to be the
3 National Harbours Board. I must advise those con-
4 cerned that National Harbours Board have requested
5 a postponement of their hearing owing to the absence
6 of some of their officers who were to give evidence.
7 It will be postponed, I believe, to September 23rd.

8 THE SECRETARY: Just for the purpose of
9 further clarification, one of the officers on whom
10 we rely to give evidence on some of the policy ques-
11 tions that were addressed to the National Harbours
12 Board is away presently in England due to illness in
13 his family and he is not expected to return before
14 September 25th. The National Harbours Board has
15 conveyed to your lordship their desire to have him
16 present and have a meeting of the National Harbours
17 Board before answers are prepared, so that puts the
18 appearance of this witness to the last week of our
19 hearing.

20
21 JOHN ELLIOT MAHONEY, sworn

22 DIRECT EXAMINATION BY MR. JACQUES:

23 Q. You may be seated. I believe you
24 are a master mariner?

25 A. Yes, sir.

26 Q. You had considerable experience at
27 sea before joining the Department of Transport?

28 A. From 1934 to the end of the war
29 without an appreciable break, and to the middle of
30 1949 without very much break; perhaps three months.



1 About two and a half years only since 1949.

2 Q. I believe you were in the Royal
3 Canadian Navy for some time?

4 A. Yes.

5 Q. As navigation instructor in the
6 HMCS STADACONA?

7 A. That is correct.

8 Q. How long have you been with Aids
9 to Navigation?

10 A. Two years last May.

11 Q. What are your duties and respon-
12 sibilities?

13 A. My duties are to supervise publica-
14 tion of Notices to Mariners, and to advise on nautical
15 matters which concern the Branch.

16 Q. Sir, before we attack the main body
17 of questions, would you explain to the Commission the
18 procedure followed for the publication of Notices to
19 Mariners?

20 A. Notices contain information of inter-
21 est or importance to navigation, and they are a collec-
22 tion of information from various DOT officers. Gener-
23 ally it is information which has already been publish-
24 ed by other means, broadcasts or handed out locally
25 in the field, and this is the official notice for
26 correcting of charts and publications.

27 The information sent from various
28 DOT officers or from any other source, interested
29 mariners, yachtsman, any source whatever. It is
30 checked over, made into a Notice to Mariners.



1 Q. When you say "checked over", what
2 do you mean checked over?

3 A. To make sure that it is valid infor-
4 mation and that it is worthwhile to be published. It
5 is sent then to the Canadian Hydrographic Service
6 where it is checked for its effect on their charts
7 and publications. When it is cleared there it is
8 returned to the Department of Transport and put in
9 fair copy, printed and mailed to the list on the
10 mailing list.

11 Q. On the mailing list? Sir, I have
12 a voluminous document here which purports to be the
13 mailing list for Notices to Mariners. Would you
14 look at it and tell me whether this would be your
15 mailing list?

16 A. Well, I don't know the names. It
17 certainly looks like the mailing list on whatever
18 day it was produced. This is amended weekly.

19 MR. JACQUES: My lord, this is a
20 copy of the mailing list which we had requested when
21 we were sitting in Montreal during last summer. Now,
22 this was obtained at the request of Mr. Langlois.
23 He wanted us to file a mailing list of Notices to
24 Mariners. In view of the fact that this is a list
25 which is amended continuously, I would suggest we
26 ask the witness to supply a list up to date, if it
27 pleases your lordship.

28 THE CHAIRMAN: As far as we are
29 concerned we only need a sample of the mailing list to
30 know to whom it is circulated, but we do not need to



1 know whether it is being sent to Joe Brown, just having
2 been appointed recently.

3 MR. JACQUES: I quite realize that,
4 your lordship, but the parties before the Commission
5 have requested that the mailing list be filed, and
6 not merely a sample.

7 THE CHAIRMAN: This mailing list
8 that you have there is the mailing list that was up
9 to date at the time it was requested, so it is no
10 use adding new addresses and so on that have been
11 received. I don't see why we need that. The party
12 who asked for this, Mr. Lalonde ---

13 MR. LALONDE: I am sure this is
14 quite satisfactory, my lord.

15 THE CHAIRMAN: Because we are making quite
16 a few requests to the DOT so if those requests are
17 not necessary, we shouldn't make them.

18 MR. LALONDE: And I have not
19 started mine yet.

20 THE CHAIRMAN: That is all right,
21 as long as they are pertinent.

22 COMMISSIONER RENWICK: Have you any
23 idea, my lord, how many are on this mailing list?

24 THE WITNESS: I think I can supply
25 a reasonably accurate answer. It would be between
26 4,200 and 4,500.

27 COMMISSIONER SMITH: Are the pilots
28 on that list?

29 THE WITNESS: A great number of
30 them, sir.



1 COMMISSIONER SMITH: But not all?

2 THE WITNESS: I have no way of
3 knowing whether they are all on or not.

4 THE SECRETARY: The exhibit number,
5 my lord, would be 1309.

6
7 ---EXHIBIT NO. 1309: Mailing list of Notices
8 to Mariners.

9 MR. JACQUES: It goes to the
10 Hydrographer of the Navy for Holland, and it goes
11 to Sweden, to France, to Washington, Sydney, Australia,
12 Tokyo, Glasgow.

13 MR. LALONDE: And even Toronto.

14 MR. JACQUES: And the USSR.

15 THE CHAIRMAN: While we are on the
16 subject, maybe the Commission counsel could give me
17 this information: under what authority are the
18 Notices to Mariners ---

19 MR. JACQUES: I am coming to that,
20 sir.

21 THE CHAIRMAN: All right.

22 MR. JACQUES:

23 Q. We found in the bylaws of the
24 British Columbia Pilotage District which have been
25 filled in B. C., and I forget the number of the exhibit
26 but it is PC 1960-841, as amended by PC 1961-1183,
27 and with reference to the pilot boarding stations,
28 the bylaw states that there shall be a pilot boarding
29 station at various places, and lastly at any other
30 place specified in a Notice to Mariners promulgated



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1 by the Deputy Minister of Transport.

2 Now, am I correct in assuming that
3 Notices to Mariners must be promulgated by the Deputy
4 Minister of Transport?

5 A. I am not certain of the chain of
6 command at that level. I would assume that it is
7 under his authority because at one time when we were
8 using another format his name appeared, "Issued by
9 the Deputy Minister". His name was at the bottom
10 of each sheet. A printed form.

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1 Q. Today would his name appear on the
2 Notice itself?

3 A. No, it does not.

4 Q. It does not?

5 A. No.

6 Q. Does it say by whom it is published?

7 A. Department of Transport.

8 MR. JACQUES: The Department of
9 Transport.

10 My lord, I suggest that we clarify
11 this matter further and since the witness is not able
12 to answer, the question ought to be directed to the
13 Department.

14 Q. One last question: We were told
15 yesterday ---

16 THE CHAIRMAN: Excuse me, I would
17 like to know whether the order has any source or
18 whether it is just merely the information given by
19 a government agency.

20 MR. JACQUES:

21 Q. Yesterday we were told that the arc
22 of visibility of the leading lights in the St. Lawrence
23 River between Montreal and Escoumains has been changed
24 and no Notices have been published and that the
25 pilots have not been consulted or advised of the
26 fact. Would you have any knowledge of that?

27 A. I have a bit of knowledge. These
28 lights were changed to a more modern and, we hope, more
29 efficient type. The arc of visibility was reduced
30 from eight degrees to six degrees. This is in the



1 general type of light.

2 Before making these changes two
3 sets of ranges were changed the year before this and
4 provided very good results. It was decided to go
5 ahead for change and about 45 sets were changed.
6 Up until yesterday there were no complaints.

7 Q. I see. Well, this is not in the
8 nature of a complaint about the quality or the
9 efficiency of the light, but rather the nature of
10 the complaint is that the pilots were not consulted
11 and were not advised of the change.

12 A. This is quite possible. The lights
13 in character were not changed.

14 Q. Well, would not the arc of visibility
15 be one of the characteristics of a light?

16 A. In some cases if the arc of visibility
17 happened to be restricted to one area and traffic was
18 free to travel in another, then the arc of visibility
19 would be stated, but if the arc of visibility of a
20 light is, as we sometimes say, visible from all
21 points of approach, then we do not necessarily state
22 the arc, or if it is changed for any reason, unless
23 it actually affects a ship approaching the harbour.

24 Q. In any case am I right in saying
25 that no notices were published?

26 A. No notices were published on this.

27 Q. And that the pilots were not advised
28 otherwise?

29 A. Not to my knowledge.

30 Q. Not to your knowledge. To your



1 knowledge were they consulted?

2 A. In a case like this I probably would
3 not have any knowledge of whether the pilots had been
4 consulted.

5 Q. You referred to an experiment made
6 with this new type of light over the past year. Who
7 reported on the efficiency of this type of light?

8 A. I do not know definitely. I would
9 assume that it would be the field officer or the
10 agent.

11 Q. Now would you turn to the question
12 with respect to Escoumains, Quebec, Exhibit 1291, and
13 would you tell us on which questions you will be
14 supplying answers?

15 A. The developments and changes since
16 June, 1963.

17 Q. Yes, the first question.

18 A. "And between Montreal and Quebec"
19 in brackets I have here.

20 MR. JACQUES: The witness will
21 answer questions 1 to 5 inclusive of the series of
22 questions.

23 CAPTAIN SLOCOMBE: To 4. I have
24 the answer to No. 5.

25 MR. JACQUES: Yes, to 4.

26 Q. Were there any developments and
27 changes since June, 1963, in the Quebec District?

28 A. I am sorry, I am not prepared for
29 that. I was prepared from Montreal to Quebec.

30 CAPTAIN SLOCOMBE: This must have



1 been a misunderstanding over the telephone.

2 MR. JACQUES:

3 Q. So we will skip Question No. 1 and
4 move to Question No. 2 on which there can be no doubt
5 -- it is within the Quebec District.

6 A. That is correct.

7 Q. And the question reads as follows:
8 "Why was Red Islet lightship replaced by a buoy?"

9 A. Over the years the policy has been
10 to develop the north channel as opposed to the common-
11 ly used south channel and this development has taken
12 place at least since the 40's and probably long be-
13 fore. The movement of the pilot station from
14 Father Point to Les Escoumains made the route from
15 the pilot station to the north channel much more
16 direct by going north of Red Islet. With this in
17 mind the northern passage, which is 1.8 miles, or
18 about 11,000 feet wide was developed and the
19 aids were modernized there by the construction of
20 Prince Shoal light, which has gone into operation now.
21 It was considered that there were adequate aids in
22 the north channel for any ships that were using it
23 and the lightship was no longer required.

24 Q. Were you with the department when
25 the change was made?

26 A. No, I was not.

27 Q. So you are speaking from file?

28 A. I am speaking from file.

29 Q. Would your file say whether the
30 pilots were consulted?



1 A. I could not say.

2 COMMISSIONER SMITH: There was some
3 evidence given that the pilots were opposed to this
4 replacement. Does the file show anything about that?

5 THE WITNESS: Not the file I read,
6 sir. We have different series of files and I was
7 concerned only with the removal of the lightship.

8 COMMISSIONER RENWICK: When did the
9 Prince Shoal light go into operation?

10 THE WITNESS: At the beginning of
11 navigation, 1964.

12 MR. JACQUES:

13 Q. And your file would not show any com-
14 plaints received by pilots since the change has been
15 made, or any requests that the lightship be reinstal-
16 led?

17 A. As I said, we have different series
18 of files and the ones that I dealt with in getting
19 the answer were . . . I did not notice any com-
20 plaints. Perhaps if they are there they would
21 be back many years before. These things are not
22 done on the spur of the moment.

23 Q. And since you have been in office
24 you have had no knowledge of complaints, or requests
25 rather, to reinstall the lightship?

26 A. No direct knowledge at all on this.

27 Q. Now if we may move to Question No. 3,
28 which refers to Cap a la Bale light. It is near
29 Coudre Island. It is a sector light which was
30 installed some years ago and which has been in



1 operation one year and then its operation had been
2 continued. What would your file show with respect
3 to that light?

4 A. The file shows that it was requested
5 by the Dominion Marine Association.

6 Q. When?

7 A. I have not noted the date, but it
8 would be before 1962 and that the pilots' corporation,
9 the St. Lawrence Pilots' Corporation, had expressed
10 objection to the proposed installation, that it was
11 installed on an experimental basis, trial basis, and
12 that the pilots objected to it after it was installed,
13 and that the Dominion Marine Association found it to
14 be of considerable assistance and that any hold-up
15 of traffic in the area was generally caused by
16 downbound vessels keeping to the line of range longer
17 than was necessary.

18 Q. Has your department requested your
19 icebreaker masters to report on the efficiency of
20 that light -- whether despite its usefulness it might
21 create a hazard in the harbour?

22 A. I have no knowledge of that, although
23 I would not necessarily have it. This would normally
24 be done in the field.

25 Q. And you would have no knowledge of
26 that?

27 A. I would have no knowledge.

28 Q. And your file would not show anything
29 in that respect?

30 A. I did not see anything on the file.



1 Q. Might I presume then that there was
2 no report made by the icebreaker masters?

3 A. I would not assume that without
4 definite word from the field.

5 Q. And by "from the field" you mean the
6 district marine agent in Quebec, Captain Gaudreau?

7 A. I do, yes.

8 Q. Is the light still in operation?

9 A. As far as I know it is.

10 Q. It is in use; it is lighted?

11 A. It is lighted and it is advertised,
12 but with a caution that it is on a trial basis and
13 not to be depended upon for navigation.

14 Q. I see there was a question of dis-
15 continuing the use of that light and placing it higher
16 up on the mountain?

17 A. I believe that has been done.

18 Q. It has been done?

19 A. To avoid -- and there has been some
20 adjustment to the arcs, as I understand it. I do not
21 have the full details on that.

22 Q. Now Question No. 4 is, why was the
23 Decca chain covering part of Les Escoumains district
24 abandoned?

25 A. Well, it was not discontinued or
26 abandoned. The department never operated a Decca
27 chain for coverage of that area.

28 Q. I did not say the department operated
29 a Decca chain. There was a Decca chain but it was
30 abandoned or discontinued; I do not know. Would your



1 files show why it was abandoned?

2 A. Well, the chain that I think is being
3 referred to here was a demonstration chain installed
4 centred on Quebec by the Decca Company or Computing
5 Devices of Canada, for demonstration purposes, as
6 a company promotional scheme. It had nothing to do
7 with the department's Aids to Navigation.

8 Q. Well, if I may, I should like to
9 quote from Volume 36, page 4182. This is the evidence
10 given by Captain Gaudreau, the district marine agent
11 of Quebec.

12 "Q. This morning you talked about a
13 Decca navigational system. Do you have
14 it in your own district.

15 "A. We have the Decca system and also
16 the system which is installed in the
17 Antigonish section of the Gulf. We
18 don't have this system in the Quebec
19 system; it has been put out of use two
20 years ago.

21 "Q. According to your knowledge, which
22 part of your district uses the Decca
23 system?

24 "A. I think that service given by this
25 system starts near Pointe de Moysne and
26 goes up to the western coast of Newfound-
27 land."

28 A. That is correct.

29 Q. And this according to your informa-
30 tion would have been an experiment by the Decca owners?



1 A. Oh, no. The coverage that was
2 provided in the Les Escoumains area -- I take it that
3 is the question?

4 Q. Yes.

5 A. Was from a Decca chain established
6 with its centre in Quebec. This was a company
7 promotional scheme and when they had promoted it
8 sufficiently the department bought that equipment
9 and re-established it, centred on Anticosti Island
10 and it is there in operation now providing coverage
11 for the entire Gulf.

12 THE CHAIRMAN: And the New Brunswick
13 coast.

14 THE WITNESS: The east coast of New
15 Brunswick down to about the tip of Prince Edward
16 Island.

17 MR. JACQUES:

18 Q. I believe this is the last question
19 on which you have been directed to answer?

20 A. Yes, I think so.

21 MR. JACQUES: Thank you.

22 COMMISSIONER SMITH: While we are
23 waiting, I wonder if I could ask you, Captain, some
24 more questions about the composition of this mailing
25 list of the Notices to Mariners. Who prepares that
26 list?

27 THE WITNESS: It is prepared under
28 my supervision, sir.

29 COMMISSIONER SMITH: And what sort
30 of a formula do you have for guidance in the



1 preparation of the list? What I am trying to get
2 at is this. It would seem to me that the most
3 important people to see that list would be the pilots
4 and according to your evidence only some of the pilots
5 receive it. Why is it not sent to all of them?

6 THE WITNESS: The list is made up
7 from requests from the individuals, companies,
8 shipping firms, pilotage organizations or anyone
9 who is interested can write and ask that his name be
10 added to the list or the name of his firm or organiza-
11 tion. This is the way the list is compiled. We
12 do not select people.

13 COMMISSIONER SMITH: Well, is it a
14 fact that if nobody wrote in and asked to have their
15 names put on this list no notices would be sent out?

16 THE WITNESS: That is quite correct,
17 sir.

18 COMMISSIONER SMITH: It would be a
19 blank?

20 THE WITNESS: It would be a blank,
21 yes.

22 THE CHAIRMAN: Does he have to pay
23 for being on the list?

24 THE WITNESS: No, sir; everything
25 is free.

26 THE CHAIRMAN: Is free?

27 THE WITNESS: Yes.

28 THE CHAIRMAN: And they know that
29 so therefore those who are not there and are mariners
30 and so forth, it is because they have not made the



1 request?

2 THE WITNESS: That is correct, my
3 lord. These are advertised, I might say, in various
4 other publications and now some of the charts
5 contain a note to the effect that they are available
6 and how to get them.

7
8 CROSS-EXAMINATION BY MR. LALONDE:

9 Q. Captain Mahoney, what is your posi-
10 tion in the Aids to Navigation Branch?

11 A. I am supervisor of the Notice to
12 Mariners Section.

13 Q. Who is your superior in the depart-
14 ment, your immediate superior?

15 A. My immediate superior is Mr. Elliot.

16 Q. Mr. Elliot, and what is his title?

17 A. He is the Superintendent of Planning
18 and Management.

19 Q. What certificate do you hold? I
20 missed this part; I am sorry.

21 A. Certificate?

22 Q. Yes.

23 A. I hold a master's home trade and a
24 mate's foreign.

25 Q. Did you get any certificates in
26 Toronto, Montreal or ---

27 A. In Halifax.



1 Q. Now when you referred to the changes
2 in the range lights between Montreal and Quebec you
3 said they provided very good results. On what
4 basis did you assess these results?

5 A. I didn't assess them personally.
6 I am told that the two sets that were in were judged
7 to be far superior to the ones they replaced by our
8 own field people.

9 Q. And that would be whom?

10 A. The masters of our ships in the
11 St. Lawrence.

12 Q. Between Montreal and Quebec that
13 would be mainly what? Icebreakers?

14 A. It would be that type of ship.

15 Q. Did you make any particular survey
16 from other people as to the results?

17 A. I didn't.

18 Q. Have you been informed in any way,
19 for instance that for ships and pilots in particular
20 travelling by night when there are no buoys left,
21 let us say at the end of the season or early in the
22 season, the reduction in the angle of the range lights
23 considerably reduces the usefulness of the range
24 lights for pilots piloting themselves in that area
25 because the pilots knowing very well the area would
26 somehow guide themselves by the sight of the range
27 lights that they could see when the degree is wider;
28 while under the present circumstances they have a
29 much narrower range within which they see the
30 lights?



1 A. No, I had no knowledge of that.

2 In fact we had no word, adverse word, from the pilots
3 until yesterday afternoon.

4 Q. When these were changed ---

5 A. They started changing them after the
6 aids were placed into use in the spring and they com-
7 pleted the job about three weeks ago so they would
8 not have had any experience before the aids were
9 down.

10 Q. And obviously the problem did not
11 arise last spring because the changes had not been
12 made?

13 A. They were not all made that is for
14 certain, perhaps a few, I don't know.

15 Q. Is there any particular reason why
16 no notice of such changes was given at all?

17 A. This is not an isolated case of
18 singling something out. Generally if we make a
19 change which is to increase the intensity of the
20 light, which we did in this case. It does not
21 change its character; it does not change its height;
22 does not change its appearance in any way. As far
23 as the user is concerned there has been no change.

24 Q. I submit to you if you change the
25 degree certainly there is some change in appearance
26 in a wide sense anyway of the light?

27 A. I think I covered that earlier by
28 saying that they are visible from all directions that
29 they are intended to be used.

30 Q. To be used as range lights?



1 A. Yes.

2 Q. Is it not possible, for instance,
3 for an expert mariner in the area that could use
4 these lights otherwise than as range lights in
5 a straight sense? That is in wintertime or in a
6 period when there are no buoys they could use them
7 as reference points during a trip? Is that not
8 possible?

9 A. Yes, certainly he could.

10 Q. But your statement is that on changes
11 of this type your policy in the department is to
12 consider that it is not proper to go into the trouble
13 of notices and all that?

14 A. I think our attitude was the lights
15 were improved as range lights which is their primary
16 purpose.

17 Q. Now your file concerning the Red
18 Islet lightship does not show any previous consul-
19 tation with the pilots. Is that correct?

20 A. I did not look for it. I looked
21 at the Red Islet lightship file. There are other
22 files which may deal with it.

23 Q. You did not find any protests from
24 the pilots in that respect in the file?

25 A. No, I didn't.

26 Q. I am showing you documents tabled
27 before this Commission as Exhibit 666. There is a
28 letter from the Minister of Transport, Mr. Balcer,
29 on April 26th, 1961, concerning the removal of the
30 Red Islet lightship; a letter from Mr. Menard,



1 Secretary-Treasurer of the Corporation of the Lower
2 St. Lawrence Pilots to W. J. Manning, Director of
3 Marine Works; copy of telegram from Mr. Bedard,
4 Vice-President of the Quebec Pilots' Association,
5 to Mr. Manning; letter by Mr. Menard to Mr. Catinus,
6 Regional Superintendent of Pilots.

7 All these letters are concerned with
8 this point Is it possible that these letters would
9 be in different files?

10 A. It is quite possible. It is 1961.
11 It is quite possible.

12 MR. JACQUES: Did you check the
13 file numbers?

14 THE WITNESS: When they came in,
15 you mean?

16 MR. JACQUES: These letters must
17 bear a file number.

18 THE WITNESS: Unfortunately they
19 don't. None of them have a file number. It is
20 quite possible these letters are on file somewhere.
21 When preparing the answer to the question I was
22 interested in why it was done and not the protests
23 they have against it.

24 Q. As far as you know when a
25 protest like this is made to any level of the depart-
26 ment would it go automatically in the file concerning
27 the Red Islet lightship?

28 A. Not necessarily. Requests for
29 aids go into a different file when they come in and
30 when the aid has been provided and established it



1 then goes into a series of files which concerns
2 only that aid. The general request through any
3 source is in another series of files and the protests,
4 if any, may well be in that. All the preliminary work,
5 in other words, is usually in another file.

6 Q. You said you were supervising the
7 Notice to Mariners operation. That information you
8 get, you said, from the district marine agents; is
9 that correct?

10 A. In part. It is from all sources:
11 foreign notices, shipping masters, pilots, yachtsmen,
12 anyone who is interested and will take the trouble
13 to advise us.

14 Q. And this is sent by mail to you
15 generally? Is that the way it is done?

16 A. Generally, yes.

17 Q. Sent here to Ottawa and then you
18 check the information which is given to you by those
19 various sources?

20 A. That is correct.

21 Q. Do you do this by mail also generally?
22 Or how do you proceed?

23 A. If it is from an outside source we
24 usually refer to the marine agent. If he has re-
25 ported a shoal or a buoy out of position it is refer-
26 red to the marine agent and he can look after it.

27 Q. Is this done by mail also generally?

28 A. Generally.

29 Q. And the district marine agent in a
30 case like this will check the veracity of the information



1 you have obtained and he is going to report back
2 to you?

3 A. That is correct.

4 Q. Is that done by mail generally?

5 A. In most cases.

6 Q. And then you print the notice.

7 Once you have received the confirmation of a change
8 in aids and you decide to print it in the Notice to
9 Mariners how long does it take for you to decide
10 to print this information and the time you get it
11 from the Queen's Printer or whoever prints it?

12 A. We usually can get it out in two to
13 three weeks. If the information we receive is not
14 complete or is obviously in error and we have to go
15 back to the source it may take longer but we cut off
16 for any one weekly issue on Thursday and it is
17 mailed out eight days later. It is in the mail
18 eight days later, the Friday one week away, so
19 two weeks would be the minimum time.

20 Q. Between the time you decide to print
21 something and the time it is mailed out?

22 A. Yes. The time we get it in notice
23 form and send it to the Hydrographic Service for
24 application to charts and get it back and have it
25 printed and mailed, it could be up to two weeks.

26 Q. And if you get your information from
27 other sources than the district marine agent you have
28 to check in the meantime so you have to add up all
29 that time. You get first the information, for
30 instance, by letter from somebody and the time



1 it is mailed out, eventually you may have a chain
2 of correspondence to which you referred before?

3 A. Yes. Usually the type of informa-
4 tion doesn't require this. If it is a shoal or
5 a hazard of some sort which is not charted then it
6 does take time to check it out.

7 Q. With reference to the Cap a la Bale
8 light, upon representations of the Dominion Marine
9 Association did you consider the opportunity of
10 consulting any other body of people concerned before
11 deciding to install this?

12 A. I cannot answer that. It would
13 not be my field.

14 Q. It would not be your field?

15 A. No. The decision on that would not
16 be mine.

17 Q. Who would make the decision on that?

18 A. I don't know on this particular case
19 but it would be done between the field officer and
20 my superiors at headquarters.

21 Q. You don't know which of your
22 superiors would be responsible for that?

23 A. No, I don't know that.

24 MR. LALONDE: If I am not mistaken
25 I think Captain Gatheral said he was opposed to the
26 idea. He had received orders from Ottawa to that
27 effect. I hope I am summarizing his evidence cor-
28 rectly in that respect. I think it would be worth
29 while to check who made the decision in this respect.

30 THE CHAIRMAN: Yes. You said you



1 were responsible for the Notices to Mariners. What
2 about the Notices to Shipping?

3 A. This is handled by the district
4 officers in the field.

5 THE CHAIRMAN: In the field?

6 THE WITNESS: Yes, sir.

7 THE CHAIRMAN: And you are, of
8 course, posted as to what they are?

9 THE WITNESS: We get copies.

10 THE CHAIRMAN: And then you say
11 whether they are of a permanent nature or not and
12 when they come to be of a permanent nature and would
13 last long enough you take the responsibility of having
14 them put in the Notice to Mariners?

15 THE WITNESS: That is right.

16 MR. JACQUES: It is one of your
17 sources of information?

18 THE WITNESS: Yes. We very seldom
19 issue a Notice to Mariners. The Notice to Shipping
20 is followed by the agent by draft Notice to Mariners.

21 THE CHAIRMAN: This decision is
22 taken in the district, whether it should be Notice
23 to Mariners or Notice to Shipping?

24 THE WITNESS: In most cases the decision
25 is taken there. If we see a Notice to Shipping that
26 we consider should be of a more permanent nature we
27 will ask the agent to supply us with a draft notice.

28 CAPTAIN SLOCOMBE: May I clarify
29 one aspect here? It has been suggested, Captain
30 Mahoney, if there were no requests there would be no



1 notices. Is it not a fact these notices do go out
2 to be placed in customs houses, shipping masters'
3 offices, and so on?

4 A. That is correct.

5 CAPTAIN SLOCOMBE: These are adver-
6 tised but in addition to that anyone who wants to
7 have these notices sent to him can have it done?

8 A. That is correct.

9 THE CHAIRMAN: That is one question
10 I was going to ask Captain Slocombe.

11 MR. JACQUES: The answer was in
12 the evidence in Montreal.

13 THE CHAIRMAN: Any further questions
14 of Mr. Mahoney? Thank you very much, Mr. Mahoney.

15
16 CAPTAIN S. S. SLOCOMBE, sworn

17
18 THE CHAIRMAN: Before the counsel
19 start, on this subject of Notice to Mariners we
20 learned a few minutes ago that these notices are
21 not sent automatically to all the pilots. They
22 have to apply for it. You are in the Department
23 of Transport and look after pilotage and therefore
24 under the Minister who is the Pilotage Authority
25 for quite a few districts. I am wondering why
26 the Pilotage Authority does not make it a point to
27 see that all pilots are provided with Notice to
28 Mariners automatically. When they are appointed
29 pilots they could automatically be on a list.
30



1 THE WITNESS: That might be a good
2 idea, my lord, but it is taken care of in our view
3 by having them posted in the pilotage office. As
4 you may have noticed the pilotage bylaws place the
5 onus on the pilot to watch the notices in the
6 pilotage office. This is where the information is
7 available to him.

8 Now, as has been said, any pilot
9 who wants them sent to his home can also have them
10 sent there individually, but it is possible that a
11 pilot would not be at home in time to receive a
12 notice. He might want this for later reference,
13 but the chief thing is that it should be available
14 to him in the pilot office.

15 THE CHAIRMAN: Yes, but we have
16 seen the practice has developed in many districts
17 that the pilots are strangers to the pilots' office.
18 They don't go there. They just go from their place
19 to the place of call. They report to the ship and
20 they do not go by the office.

21 While we are on the subject of inform-
22 ing the pilots, I recall in B.C. they have developed
23 a special system of special notices issued by the
24 superintendent. He even sends a copy to all
25 pilots himself of changes, and he has this order on
26 the board, and he also has this order when it affects
27 only one area. For instance, at Kitimat when
28 the approach channel silted up, the despatcher would
29 remind the pilot to take care. This was the pro-
30 cedure followed in B. C.



1 THE WITNESS: Yes, and we would
2 consider this to be part of the duty of the local
3 supervisor to make sure all his pilots are made aware
4 of any changes. You understand, my lord, that these
5 Notices to Mariners cover the whole country.

6 THE CHAIRMAN: That is right.

7 THE WITNESS: And when a person is
8 put on the mailing list he receives all of the Notices
9 to Mariners. I believe that there are three divisions,
10 inland waters, east coast and west coast.

11 Now, obviously a pilot is interested
12 in his own district, and actually his own supervisor
13 should see that all the pilots in that district are
14 aware of anything that affects the district. If
15 the pilot has a wider interest he just has to ask. I
16 think it may be a good idea, my lord, if there is
17 any thought that this should be done -- this is merely
18 a matter of giving a list of the names to the Aids
19 to Navigation Branch, and all the pilots can be
20 placed on the mailing list.

21 Q. Have you had a request from pilots
22 to be placed on the mailing list?

23 A. Not generally, no. I think the
24 pilots generally are aware if they ask the Department
25 that their names will be put on. This I think is
26 explained on the notices where they should write to
27 have their names put on.

28 Q. In the course of discussions with
29 the pilots at the yearly meetings the subject has
30 never been brought up that they be placed on the



1 mailing list automatically?

2 A. No, not as far as I know. If it
3 had, there would obviously be no objection.

4 Q. Now, we are still on the subject of
5 Notices to Mariners. I asked Captain Mahoney to
6 explain an aspect of the promulgation of the notices
7 and I refer to Section 13(a) of the B.C. bylaw
8 concerning the boarding stations. This section reads
9 in part as follows: "There shall be a pilot
10 boarding station", and then (a), (b), (c) and then
11 (d) "at any other place specified in the Notices to
12 Mariners promulgated by the Deputy Minister of
13 Transport."

14 Which is promulgated, the boarding
15 station or the notice?

16 A. That I think referred to the notice,
17 but I would ask here if there is any special signifi-
18 cance attached to the word "promulgated". Does
19 this imply a regulation?

20 Q. I don't know. It is in your regu-
21 lations, and I would like to know why you use the
22 expression "promulgated".

23 A. We have never considered that a
24 Notice to Mariners has any force in law. It is
25 purely a matter of advertisement or information.

26 THE CHAIRMAN: So therefore in that
27 case in the B.C. bylaw it is provided that one way
28 to have a boarding station is to have it published
29 in a Notice to Mariners by the Deputy Minister. I
30 suppose the authority has decided that a boarding



1 station be at such-and-such a place like Sand Heads
2 for instance. It was promulgated before it
3 was used, and it was published in the Notice to
4 Mariners just as a notice. Therefore the authority
5 was not the Notices to Mariners but the decision of
6 the Authority itself. We were wondering why it was
7 said there by the Deputy Minister.

8 THE WITNESS: Well, this is merely
9 as head of the department. The Deputy Minister is
10 the only one ostensibly who can make a decision. Of
11 course, he obviously delegates authority in many
12 aspects, but if the department does anything it is
13 the Deputy Minister who does it.

14 THE CHAIRMAN: So I suppose as far
15 as British Columbia is concerned the reference there
16 to the Deputy Minister was not as the authority but
17 as the government official publishing the notice?

18 THE WITNESS: Yes, I think that is
19 correct. May I look at this wording again?

20 THE CHAIRMAN: Yes, please do.
21 Would you give the section?

22 THE WITNESS: This is Section 13(a) of
23 the British Columbia bylaws, and the wording is
24 "at any other place specified in the Notice to
25 Mariners promulgated by the Deputy Minister of
26 Transport."

27 Now, this definitely refers to the
28 issuance of the notice, that the notice must go out
29 under the aegis of the Deputy Minister of Transport.
30 Nobody else can announce that there is going to be a



1 boarding station there.

2 THE CHAIRMAN: And the Deputy
3 Minister would receive the information from the
4 authority as to where the boarding station will be,
5 and the Deputy Minister would merely publish it, as
6 the Deputy Minister, I mean?

7 THE WITNESS: Yes, that is correct.
8 In B. C. the authority is on him.

9 Q. But any pilotage authority could
10 establish boarding stations?

11 A. Correct, and ask that they be
12 published.

13 Q. Ask that it be published?

14 THE CHAIRMAN: But it is not a re-
15 quirement of their bylaws?

16 THE WITNESS: That is right.

17 Q. There is no special meaning attached
18 to the word "promulgated"? In fact it is being
19 published or indicated ---

20 A. Or disseminated.

21 Q. Anything, but there is no special
22 meaning to the word "promulgated"?

23 A. No. I have a feeling that "promul-
24 gated" is connected with regulations.

25 THE CHAIRMAN: It would be a restric-
26 tion of the authority because he is obliged to have
27 it promulgated. He can't do it otherwise now in
28 B.C. because that is a bylaw passed by the Governor-
29 in-Council.

30 THE WITNESS: This I may say, my



1 lord, is the section that we tried to eliminate.
2 The B. C. pilots were very anxious to have it in.
3 We said that this is a normal feature, a normal
4 function of an authority, and obviously the authority
5 would do it after discussion with the pilots, and
6 make a decision on these things, and the information
7 would obviously be disseminated to the people inter-
8 ested. This should not be a matter of a bylaw
9 actually.

10 COMMISSIONER RENWICK: Could I ask
11 one question here, Mr. Jacques? As I understand it
12 now the Notices to Mariners are not over the sig-
13 nature of the Deputy Minister.

14 THE WITNESS: So I heard just now.

15 COMMISSIONER RENWICK: So that in
16 the event of a repetition of this character in the
17 ordinary Notices to Mariners it would not have the
18 cause and effect it had in this instance in B. C.
19 if it is not over the signature of the Deputy Minister?

20 THE WITNESS: I think, my lord, we
21 will have to have that bylaw changed the next time we
22 have the bylaws changed. I don't think it is too
23 important a point at the moment.

24 THE CHAIRMAN: Why did they insist
25 on having it there, do you think?

26 THE WITNESS: They have a feeling
27 that putting it there, although in spite of the last
28 phrase they have a feeling this is a more permanent
29 force as you might say. We have told them that with
30 that last phrase in there it can be changed at any



1 time, but they still like to have it in, and as we
2 always like to please the pilots we left it in.

3 THE CHAIRMAN: Isn't that the main
4 reason for it? Isn't that springing from the fact
5 that in B. C. the rates are based apparently on
6 mileage, and the mileage comes from the boarding
7 station?

8 Q. With the bylaw as it is, the pilotage
9 authority could not change a boarding station unless
10 it obtains the concurrence of the Deputy Minister
11 and it is published in the Notice to Mariners?

12 A. No, excuse me, Mr. Jacques, I don't
13 quite agree there. That Deputy Minister reference is
14 only applied to the issuance of the Notice to
15 Mariners. As you said yourself, it could be another
16 pilotage authority with no connection with the
17 Deputy Minister at all.

18 Q. In that case the Deputy Minister
19 would exercise the discretion which seems to be
20 vested in him under that bylaw, and might refuse to
21 promulgate the boarding station?

22 A. This is a remote possibility, I
23 suppose.

24 THE CHAIRMAN: I think it is
25 apparent what they are concerned about is their
26 mileage and their rates. For instance, the trouble
27 we had with Sand Heads when it was established.

28 THE WITNESS: Yes, my lord.

29 THE CHAIRMAN: Because I think Sand
30 Heads should be a boarding station, and it is as a



1 matter of fact a boarding station, but it is not used
2 as such now. It has been suspended.

3 THE WITNESS: Yes, I agree with
4 you, my lord. This can be done just by the instruc-
5 tion of the authority, the decision of the authority,
6 but obviously any decision like that to be effective
7 must be made known to the public.

8 THE CHAIRMAN: Yes.

9 THE WITNESS: And the normal way
10 of making this known to the public is by advertising
11 through Notices to Mariners.

12 Q. Now, to return to the questions that
13 were prepared, Question No. 1, development and
14 changes in the Quebec District since June, 1963.
15 Were there any changes in the bylaws?

16 A. No. No changes in the bylaws.
17 There have been two new pilots appointed.

18 Q. Have there been any retirements or
19 suspensions?

20 A. I didn't check that point. I
21 couldn't swear to it, but there have been just normal
22 movements in the district.

23 Q. Two new licences issued; is that it?

24 A. Yes, two new licences issued.

25 THE CHAIRMAN: Does that mean the
26 strength has increased by two?

27 THE WITNESS: This I am not sure
28 about, my lord. I asked these questions in a hurry.

29 THE CHAIRMAN: That is all right.
30 We have been told that the strength was increased by



1 two.

2 THE WITNESS: And the building at
3 Anse aux Basques is almost completed. We hope it
4 will be operational before next spring.

5 COMMISSIONER SMITH: One witness,
6 I think Captain Rousseau, I am not sure, I can't find
7 the reference --maintained that the strength of the
8 pilotage in that district should be increased by
9 three. It might have been four. Have you any
10 comment to make on that?

11 THE WITNESS: We are having what
12 might be termed an argument with the pilots on this
13 question. It has been going on for some time, and
14 it is still under consideration as to the need for
15 more pilots.

16 COMMISSIONER SMITH: A decision has
17 not been made one way or the other?

18 THE WITNESS: No, there is no de-
19 cision yet, Mr. Smith.

20 Q. Why was the number increased by two
21 this year, or since June, 1963? You said you issued
22 two new licences in the Quebec District.

23 A. To comply to a certain extent with
24 the request of the pilots. They must have convinced
25 the Pilotage Authority that the appointment of two
26 was justified.

27 Q. Justified from the point of view of
28 workload?

29 A. Correct.

30 Q. And you accepted their argument that



1 there was room for two more pilots in order to
2 maintain an adequate workload?

3 A. Yes.

4 Q. Not too heavy workload?

5 A. Correct.

6 Q. Have you made any particular study
7 of their workload before granting these two licences?

8 A. Well, as the Commission already is
9 aware, this also has been the subject of conten-
10 tion as to what is considered work and what is not
11 considered work, and there is the argument about
12 whether averages are acceptable in this sense. Then
13 we have conceded the two during the last three years
14 and again at present there is discussion as to the
15 need for more.

16 Q. You have conceded two new licences.
17 Why? Because you were convinced that they needed
18 two pilots or because it was a sort of conciliation?

19 THE CHAIRMAN: Or yielding to
20 pressure?

21 THE WITNESS: This is the word I
22 was going to use, my lord, yielding to pressure
23 probably.

24 Q. No other changes? Two new pilots,
25 a new pilot station, and what else?

26 A. I haven't anything else.

27 Q. No increases in tariff?

28 A. No.

29 Q. No requests to date for increase
30 in tariff?



1 A. I think this would be rather strange
2 that there was not. I am not aware of whether or not
3 there are actually at the moment. No, excuse me.
4 I think I can answer this. There was an agreement
5 at the time of the strike there would not be any
6 increases for three years.

7 Q. And that expires in 1965?

8 A. Expires this winter, I believe.

9 Q. This coming winter?

10 A. Yes.

11 Q. Any major complaints on Aids to
12 Navigation?

13 A. Not as far as I know. If there were
14 any we would have passed them to the Aids to Naviga-
15 tion Division. I may also say that there has been a
16 suggestion that the pilots were never consulted on the
17 matter of those aids.

18 Q. You refer to the range lights?

19 A. Yes, and the previous witness'
20 evidence on two cases, I think. I understand, and I
21 am open to correction if I am wrong, but I understand
22 there was discussion between the local agent, district
23 marine agent and the pilots.

24 Q. Would you check on that, please, and
25 let us know later on whether there was a meeting or
26 discussions between the local district marine agents
27 and any of the pilots' representatives?

28 MR. LALONDE: Concerning what?

29 MR. JACQUES: Changes in the range
30 lights on the St. Lawrence River, reduction in the
arc of visibility of range lights.



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Slocombe, dir
(Jacques)

17846

1 A. Yes. Do I understand that
2 Captain Mahoney is going to be back in the box for
3 these changes below Quebec? Do you want a recital
4 of the changes in aids below Quebec?
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1 Q. No, no, no, unless they are major
2 ones.

3 A. I will check on this then and make
4 it official.

5 Q. Now with respect to Question No. 3,
6 referring to Cap a la Bale light, I am afraid the
7 answer given by the previous witness was rather
8 sketchy. According to evidence that was given
9 to the Commission while we sat both in Quebec and
10 Montreal there seemed to have been quite an argument
11 over that light and that it was not just a matter of
12 the Dominion Marine Association writing to the
13 department and saying: "Well, please put a light in
14 position A", and the pilots writing to the department
15 and saying: "Please don't put the light there."
16 The feeling I have from the evidence is that the
17 argument was quite strong.

18 A. I will be glad to see what we have
19 on our files. I did not look into this at all.

20 Q. If you please.

21 A. I thought this would be answered by
22 the Aids Division, but if you want any more informa-
23 tion as to the involvement of the pilotage section
24 in it, I will find this.

25 MR. JACQUES: Yes, please.

26 COMMISSIONER SMITH: Are you passing
27 on?

28 MR. JACQUES: Yes, sir.

29 COMMISSIONER SMITH: Captain,
30 according to some information that was supplied on the



1 12th September, 1963, indicating the workload, on
2 statements of both the pilots and the department
3 there is a terrific discrepancy in the average
4 duration of work over the whole period of the season
5 of operation in the Quebec District. The pilots
6 worked out their average duration of work as nine
7 hours seven days a week for nine months without a
8 day off, and so on. That is nine hours and the
9 department's statement is 5.9 hours. It is 9 hours
10 for the pilots' figure and 5.9 hours from the depart-
11 mental figures.

12 Now of course obviously there is a
13 terrific discrepancy there and it has never been
14 explainted to my understanding just how that came
15 about. If it were half that I could perhaps under-
16 stand, but that is a big discrepancy, between 9 hours
17 and 5.9.

18 THE WITNESS: Yes, Mr. Smith. The
19 departmental statistics are made from the pilotage
20 source forms or pilotage cards which are filled out
21 by the pilot and signed by him and by the master for
22 every job that is done. The time that we show in
23 our statistics, and this is stated so, is only the
24 time which is shown on the cards as being the time
25 actually spent on board ship.

26 Now I think that the figures that
27 you have there prepared by the pilots may have
28 added into the statistics time which they may have
29 spent away from home. I do not know.

30 COMMISSIONER SMITH: Excuse me for



1 interrupting here, but does the department challenge
2 the figures of the pilots, the ones that are mentioned
3 there?

4 THE WITNESS: I do not know whether
5 that particular figure you have has been challenged,
6 but, if you call this a challenge, we do explain any
7 discrepancy by this fact -- that our statistics are
8 taken from the cards as showing the actual time on
9 board ship.

10 Now then, if the pilots consider that
11 their working time includes other periods of time be-
12 sides the time that they are on board the ship,
13 then this would explain the discrepancy.

14 COMMISSIONER SMITH: Yes, but the
15 department recognized that the pilot's time is not
16 only the time he spends on the bridge. He has got
17 to do some travelling and he has got to do some
18 waiting around and all that is part of the pilot's
19 workday.

20 THE WITNESS: This is correct, Mr.
21 Smith.

22 COMMISSIONER SMITH: And that is
23 recognized by the department?

24 THE WITNESS: Oh, yes, this is well
25 recognized -- that this other period per day on board
26 ship is just that and added to that must be any time
27 which the pilots spend in travelling to and from the
28 ship, and so on. We would not accept that just the
29 time going from their home to the ship is working
30 time any more than any other employee anywhere else



1 would claim that this is working time -- going to
2 the office, for instance.

3 COMMISSIONER SMITH: Yes. I should
4 have said, captain, that these figures that I have
5 quoted here are from the year 1959, three years back.
6 I mean, they are not up-to-date figures. I do not
7 want to deceive anybody on that.

8 THE WITNESS: I cannot speak
9 specifically on the figures you have there, but
10 speaking generally this is the fact and this is the
11 explanation of the discrepancies which appear between
12 the pilots' figures and our figures.

13 THE CHAIRMAN: In any event this is
14 a question that we are analysing very carefully when
15 we see it, and we are going to do it for every dis-
16 trict. We have done it for a few districts already
17 and we have found that it is first a question of
18 definition of terms, a question of semantics as
19 to what is implied by the "time of work" -- "working
20 time"; what is implied in that? Then we define it
21 and then we can find . . .

22 There are many things that -- for
23 instance, time away from home; is that his work or
24 is it something connected with pilotage or with the
25 occupation? For instance, as far as you are con-
26 cerned all the Commissioners here, for this week and
27 for three weeks' time we will be away from home
28 twenty-four hours a day for three weeks. Does that
29 mean we work twenty-four hours a day for three
30 weeks? Well, maybe yes, maybe no. It all depends



1 what we want to convey.

2 It is the same thing here with
3 pilotage and I think the only thing to do is to
4 define the word carefully, taking a kind of glossary
5 -- define the terms and say, "When we employ this
6 word, it means this and nothing more; it excludes
7 this and it excludes that." It is only then that
8 we can understand one another. Otherwise it is
9 confusion, because they are talking of two different
10 things.

11 For instance, like when we are talking
12 of pilots' income; what is "pilots' income"? Is
13 the pension contribution included or not? -- and
14 all those things. So therefore people are talking
15 of different matters and therefore it is a question
16 of semantics always.

17 THE WITNESS: Yes, my lord, and we
18 have tried to make quite clear in these statistics
19 that this is the actual time on board ship and that
20 is all.

21 THE CHAIRMAN: We are trying to
22 make a careful analysis of whatever it is for a
23 period for a pilot -- for instance, for which we have
24 complete information of his travelling time and
25 everything; whenever we have that we make a complete
26 analysis with the forms in order to find out exactly
27 what it means.

28 We are going to adjourn for a few
29 minutes now.

30 ---Short recess.



1 ---Upon resuming.

2
3 MR. JACQUES:

4 Q. Now we have reached Question No. 5,
5 which reads as follows: "Details of ice reporting
6 set up in gulf and river area."

7 A. The answer to this question is in
8 two sections, one the Gulf of St. Lawrence and the
9 other the St. Lawrence River.

10 Now as far as the Gulf of St.
11 Lawrence is concerned, the information required is to
12 be found in the booklet "Guidance to Merchant
13 Ships Navigating in the Gulf of St. Lawrence in
14 Winter", put out by the Marine Operations Branch of
15 the Department of Transport, which I put in the file,
16 and also a report on ice operations between the
17 Gulf of St. Lawrence and the eastern Canadian sea-
18 board for the winter 1962 and 1963. This will
19 give a good picture of the work that is done.

20 MR. JACQUES: I would like to file
21 these documents as Exhibit No. 1310.

22 ---EXHIBIT NO. 1310: Two pamphlets, one entitled
23 "Guidance to Merchant Ships
24 navigating in the Gulf of St.
25 Lawrence in the winter" and
26 the second one "The Gulf of
St. Lawrence and the eastern
Canadian seaboard ice opera-
tion, winter 1962 and 1963."

27 THE WITNESS: Now as far as the
28 St. Lawrence River is concerned, information concerning
29 ice conditions between Quebec and Montreal is obtained
30 from two sources -- (a) Ice Observers and (b) Depart-



1 ment of Transport icebreakers.

2 MR. JACQUES:

3 Q. Would you explain (a) who are ice
4 observers?

5 A. The ice observers are employed during
6 the winter months, generally from January to March
7 inclusive, but with some variations as dictated by
8 weather and traffic conditions.

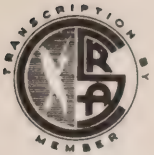
9 These ice reporters are stationed
10 at various places such as the Quebec Bridge,
11 Donnacona, Port Neuf, Grandines, Batiscan, etc.,
12 and report three times weekly on conditions in
13 predetermined stretches of the river. These reports
14 are made ---

15 Q. I am sorry. They report three
16 times weekly; do they report at a specified hour on
17 the conditions of ice at that hour?

18 A. I believe so, yes. These reports
19 are made to the nearest pilotage office and are then
20 sent to the Montreal pilotage office, which in turn
21 keeps the St. Lawrence Ship Channel authorities in-
22 formed. The reports from these ice observers are
23 additional to those received from the pilotage offices
24 of Quebec, Three Rivers and Sorel.

25 COMMISSIONER SMITH: Do you get
26 any aerial reports on ice conditions?

27 THE WITNESS: Not on these. Excuse
28 me, this comes in the next phrase, Mr. Smith. The
29 icebreakers stationed at strategic points in the
30 river as required by circumstances also report on



1 ice conditions encountered during their patrols
2 and that of the helicopter. These reports are
3 transmitted to the ship channel authorities and
4 the Quebec, Three Rivers and Montreal pilotage offices,
5 via the Three Rivers radio station.

6 Now your question, Mr. Smith, about
7 aerial reconnaissance -- this is done below in the
8 gulf area and is described, I think, in the booklet
9 you have.

10 In the event of any ship being en
11 passage in this area we are speaking of now, between
12 Montreal and Quebec, immediate and additional reports
13 are made by the above and such information broadcast.
14 Additionally this same information is made available
15 in the pilotage offices at Quebec, Three Rivers and
16 Montreal for the benefit of pilots who may be
17 assigned to such a ship.

18 During the ice run-off -- that is to
19 say, in early spring -- when large sections of ice
20 may break away from the banks or battures, a system
21 of ship movement control is instituted although this
22 applies only to ships carrying pilots. During this
23 period, which is of about eight days' duration, no
24 ship is allowed to proceed without the express per-
25 mission of the regional superintendent of pilots
26 at Montreal, who in turn makes his decision based on
27 reports from ice observers and icebreakers in
28 consultation with the ship channel authority.

29 During this period reports are
30 received twice daily morning and evening and also



1 include information obtained from aerial surveys
2 which are carried out from time to time as required.
3 This information is broadcast.

4 Special broadcasts are also made
5 when any large concentration of ice occurs or the
6 channel is blocked in any area in which daylight
7 navigation is permitted during this period and care
8 is taken to ensure that tie-up berths are available
9 for ships at night. Reports continue to be made
10 after the ice break-up for as long as conditions
11 warrant.

12 That is the information I have on
13 this question.

14 THE CHAIRMAN: I see that we have
15 heard lately that the Department of ^Transport had a
16 survey made in ascertaining the ice conditions from
17 the satellite Nimbus.

18 THE WITNESS: Oh, yes.

19 THE CHAIRMAN: I see the Department
20 of Transport has also devices to get photographs
21 from that satellite, so this will be useful as well.

22 THE WITNESS: Yes, sir.

23 MR. JACQUES:

24 Q. Question No. 6 refers to a former
25 pilot, Pilot G. Patrice Drapeau, whose licence
26 was withdrawn in July 1955. The request for
27 information is made because the Commission has
28 received a lengthy letter from Mr. Drapeau in
29 December, 1962.

30 I should like to file now, my lord,



1 the letter of Mr. Drapeau and a copy of the
2 Secretary's answer to that letter, as Exhibit
3 No. 1311, to which we shall add whatever documents
4 are supplied by the witness in that respect.

5 THE WITNESS: My lord, I would like
6 to hand in at this point a file of correspondence
7 between Mr. Drapeau and the federal Ministers of
8 Transport who have been involved in this and between
9 the department and various people who have concerned
10 themselves with Mr. Drapeau's case and the answers to
11 these letters. The story is quite fully set out
12 in this bundle of correspondence.

13
14 ---EXHIBIT NO. 1311: Letter of Mr. Drapeau
15 and copy of Secretary's
16 reply thereto.
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1 I think with regard to the latest incident
2 in 1955 I may say that the pilot wrote a long letter
3 to the Minister of Transport defending his situation
4 at that time which was in question and which was being
5 reported by the local supervisor and it was considered
6 that this letter very fully gave his defence in this
7 matter. Taking into consideration his previous
8 record in the opinion of the pilotage authority this
9 justified the removal of Pilot Drapeau from the list,
10 the withdrawal of his licence in the public interest.

11 MR. JACQUES:

12 Q. Now I will go to Question No. 7
13 unless the Commission wishes any further questions
14 with respect to Pilot Drapeau.

15 COMMISSIONER SMITH: I want, my
16 lord, at some time or other to bring up a question
17 in regard to some information about a pilot that
18 was suspended in Chicago. He was on a ship in
19 Chicago. I don't know where the best place is to
20 raise the issue and get the explanation.

21 THE CHAIRMAN: I think you should
22 make the request now and the Department of Transport
23 will have time to look it up and give the answer.

24 COMMISSIONER SMITH: The information
25 I have -- and it is somewhere either on record or
26 in the record through the exhibits or some other
27 place -- it was brought to our attention where a
28 pilot was intoxicated on a ship in Chicago and was
29 suspended for five days. I am sorry that I haven't
30 got the pilot's name or the name of the ship.



1 MR. JACQUES: A Canadian pilot, sir?

2 COMMISSIONER SMITH: I would judge
3 so but I am not any too sure about that. I haven't
4 got the information here.

5 THE WITNESS: This, my lord, if I
6 might suggest will come up in District No. 2 when
7 the Great Lakes is under consideration.

8 COMMISSIONER SMITH: That is fine.

9 THE CHAIRMAN: Mr. Nadeau, will you
10 take a note on that?

11 THE SECRETARY: I have already done
12 so, my lord.

13 MR. JACQUES:

14 Q. Question No. 7 is with reference to
15 the Riviere du Loup radio station.

16 A. The answer I gave was that the
17 Riviere du Loup station is not yet in operation.
18 The tender for construction was accepted July 23,
19 1964, and completion was expected in 1965. The
20 second part of that question does not apply, my
21 lord. It is not yet in operation.

22 THE CHAIRMAN: I was going to remark
23 that part of Quebec has not been improved. There
24 was a note in the Globe and Mail the other day with
25 regard to that accident, the last accident, and
26 they say it was lack of communication even there.
27 Quebec was not informed in time because there was
28 lack of communication. I don't know whether it is
29 true or not. Do you know about that?

30 THE WITNESS: No, sir. I do think



1 in the answer to the next question about any changes
2 in manning of Quebec stations ---

3 MR. JACQUES:

4 Q. There is one in Montreal?

5 A. The answer I have on this is that
6 Quebec City has two operating positions around the
7 clock and the new transmitting satellite has been
8 established at St. Michel and expected to be opera-
9 tional soon and the new receiver satellite has been
10 established at Beaumont. It is on test now and
11 expected to be operational soon.

12 The second operating position has
13 been established at Mont Joli at the beginning of
14 the 1964 season and this ties in again with No. 9.
15 The question is: "Any complaint about not being able
16 to raise the station, Quebec and Three Rivers, re-
17 ceived since July, 1963?"

18 My information is no complaints have
19 been received by the Telecommunications Branch.

20 Q. No complaints at all?

21 A. This is what we are informed. If
22 the Commission wants detailed information about these
23 items we will have to have somebody from the Tele-
24 communications Branch come and give evidence on these
25 points.

26 Q. Have you checked with them whether
27 they have received complaints or not?

28 A. This information was received from
29 the Telecommunications Branch.

30 THE CHAIRMAN: The reason for the



1 Beaumont and St. Joli station, was to improve the
2 reception for the area east of Orleans Island.

3 A. I am not able to answer this, my
4 lord. It is where the complaint has been made that
5 the Telecommunications Branch is tr ying to improve
6 matters.

7 THE CHAIRMAN: You recall at the
8 time of the TRITON~~ICA~~ disaster that the ships there
9 could not reach Quebec and the telecommunication had
10 to be relayed through Boston, I think?

11 A. I take it these extra transmitting
12 and receiving stations, satellites as they call them,
13 are for this purpose to improve matters there.

14 THE CHAIRMAN: They are in the line
15 of sight, anyway?

16 A. Yes.

17 MR. JACQUES:

18 Q. I will go to Question No. 10.

19 THE CHAIRMAN: Excuse me. Will
20 you make a note to make sure what was the purpose of
21 these stations or satellites at St. Michel and
22 Beaumont?

23 MR. JACQUES:

24 Q. Question No. 10 refers to the
25 authority to impose a fine up to \$40 which the local
26 superintendent had some years ago.

27 A. This provision was not removed from
28 the Quebec bylaws at all. This continued in the
29 Quebec bylaws.

30 Q. The former local superintendent



1 stated that he no longer had authority to impose a
2 fine.

3 A. This was not correct. We may
4 have advised him in view of certain difficulties we
5 were experiencing generally in the disciplining of
6 pilots to check with Ottawa before he imposed fines.
7 The provision was there in the bylaws and it was used.

8 In your question 38 you ask how
9 many fines were levied for being absent without leave
10 and I think by telephone you tied this down to 1960,
11 1961, and 1962.

12 Q. That is right.

13 A. We have checked on this and the local
14 supervisor's office, according to its records, stated
15 that there were no fines in 1960. There were two
16 in 1961 and three in 1962. I have no more details
17 on those.

18 MR. LALONDE: My lord, this question
19 about the \$40 fine arose in the Montreal District,
20 I think it was.

21 THE WITNESS: This is correct and
22 it has been put back in.

23 MR. JACQUES:

24 Q. It has been or has not been?

25 A. It has been put back in.

26 THE CHAIRMAN: As it has been put
27 back in British Columbia also.

28 THE WITNESS: Correct.

29 COMMISSIONER SMITH: What is the
30 explanation for fixing the amount so low? Now the



1 reason I asked that question is this: Some of the
2 pilots in their evidence claimed that there was not
3 enough authority given to the supervisor or the
4 superintendent to maintain discipline and one of
5 the examples was the low amount of the \$40 which was
6 the extent of his jurisdiction. Is there any ex-
7 planation why it was fixed so low?

8 A. Well, the \$40 was the amount which
9 existed from away back, Mr. Smith. I think that the
10 pilots' evidence you are speaking of was in British
11 Columbia and they have asked that it be set at \$200.
12 I don't think that we could get that kind of response
13 in the St. Lawrence.

14 MR. LALONDE: It is sheer assumption.

15 THE WITNESS: Sheer assumption, yes.

16 COMMISSIONER SMITH: Would you have
17 any statement to make or anything to suggest as to
18 what amount should be fixed as to the maximum that
19 the supervisor could levy as a fine in connection
20 with discipline

21 THE WITNESS: No. I don't think
22 I would have any real opinion on it, Mr. Smith. It
23 should be something which would be sufficient to hurt.

24 COMMISSIONER SMITH: That is what
25 the witnesses thought.

26 THE WITNESS: These fines are levied
27 for minor breaches usually. If it is a serious matter
28 it can always be put to the Authority and a larger
29 fine imposed by the Authority, but if the Pilots'
30 Committee in any district request us to increase that



1 fine we certainly would have no objection.

2 THE CHAIRMAN: Like the B.C. pilots
3 have?

4 A. Correct. We have put the \$200 in the
5 B.C. revised bylaws.

6 THE CHAIRMAN: Therefore the local
7 supervisor or superintendent has the power to award
8 a fine up to a small amount of \$50 or \$40, as the
9 case may be, but if he feels that this is not suf-
10 ficient, that the case is more serious, then all he
11 has to do is remand the case to the Authority who
12 has greater power as far as the fine is concerned
13 and punishment is concerned?

14 A. That is correct, my lord.

15 MR. JACQUES:

16 Q. Coming back to what you said a
17 moment ago, you said that the local superintendent in
18 Quebec might have been instructed to check with
19 Ottawa before awarding this fine. Is that correct?

20 A. That is correct. He may have been
21 instructed by telephone to just take particular care
22 and this was due to the legal difficulties we were
23 having following the Bill of Rights. The legal
24 advisers of the department, both in our own department
25 and in the Department of Justice, were very concerned
26 about this whole matter of offences and penalties.

27 Q. Now apart from the telephone conver-
28 sation to which you have referred which might have
29 taken place, was there any written instruction ever
30 given to the local superintendent not to levy that fine?



1 A. I cannot say yes or no at the moment.
2 I can check for this if it is important.

3 Q. Would you check, please? With
4 particular reference to Mr. Hamel, who was superin-
5 tendent in Quebec some years ago, in fact he made the
6 statement to the effect he no longer had power to
7 impose the \$40 fine which is specified in the bylaw.

8 A. Yes, I will check to see if there
9 was any specific instruction in writing on this.

10 Q Now do you as Authority have authority
11 to impose a fine under the present bylaws?

12 A. The wording is the supervisor may
13 impose fines up to \$40 and the Authority may impose
14 fines up to \$200, something like this.

15 Q. Now Question 11 is: "History and
16 reasons for changing pilot station from Father Point
17 to Escoumains.

18 A. The decision to move the pilot
19 station from Father Point to Les Escoumains was made
20 following an express desire of the majority of the
21 pilots for this change and also due to the following
22 reasons: (a) pilotage from the station to Quebec
23 would be reduced by about 40 miles; (b) incidence
24 of fog and bad ice conditions is not as great on the
25 north shore; (c) trade was increasing between points
26 on the north shore of the Gulf and ships on this
27 trade had to go across to the south shore to pick
28 up and drop pilots for Father Point; (d) weather
29 and sea conditions in the vicinity of the new station
30 would permit use of smaller boats thus effecting a



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1 saving.

2 The second part of the question was
3 safety of shipping.

4 Q. How did you ascertain the desire of
5 the majority of the pilots? What procedure did you
6 follow?

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1 A. Of course we should really hear
2 from the Committee, from the Pilots' Committee, but
3 here was a case -- and I am speaking from memory now --
4 where pilots who were not the committee made direct
5 representations to the Pilotage Authority and there
6 was quite an argument about this, and it went on
7 for a considerable time.

8 Q. Finally how did you arrive at the
9 conclusion that the majority of the pilots were
10 in favour of that? Did you poll them? Did you
11 ask them for a secret ballot or did you ask for their
12 opinion individually and then put them all together
13 and decide?

14 A. No, we didn't do that I am pretty
15 sure, but we were quite sure at the end that the
16 majority of the pilots were in favour of this. We
17 understood that there were only a few pilots who were
18 against it, and we believed that those pilots had a
19 personal interest in staying on the south shore.

20 COMMISSIONER SMITH: Did those
21 pilots who were against it make any formal protest?

22 THE WITNESS: By letter, Mr. Smith,
23 yes, they did, and they were pushing, if I might use
24 that expression, the move to Trois Pistoles.

25 COMMISSIONER SMITH: What reason
26 did they give for that?

27 A. They claimed that the train service
28 -- I am trying to remember the different things that
29 were put forward now -- but one of them was there was
30 a good train service on the south shore which they



1 were using regularly, and there was no railroad
2 along the north shore. They claimed that Trois
3 Pisoles was a good place for it which we did not
4 agree to, for the reason I will give in a minute.

5 I really can't remember details or
6 any other reasons they gave, but we did feel that the
7 people who were pushing this were people who had an
8 interest in staying on the south shore, a personal
9 interest.

10 In one season it was not clear that
11 there was a majority, but pilots' committees did work
12 on their brother pilots, and we were fully convinced
13 that the majority of pilots were in favour of the
14 move. Actually, of course, as long as the Pilots'
15 Committee were in favour of this, and recommended it,
16 we would have been justified in moving. But in view
17 of the other quite vocal factions there was a con-
18 siderable delay in the move.

19 Now, the question there was safety
20 of shipping ---

21 Q. Just a minute. What about the fog
22 and ice? You mentioned the presence of fog and ice
23 at Father Point as a reason for the removal of the
24 station. Was there any survey carried out by your
25 department on fog and ice at Father Point?

26 A. Oh, yes. We obtained information
27 from wherever we could get it, and Father Point had
28 been giving trouble in this respect each spring with
29 the ice, and it was well known that these conditions
30 did not prevail on the north shore at the place where



1 we were wanting to put the pilot station.

2 Q. Will you continue, please?

3 A. So the safety of shipping was
4 definitely a factor in this because of the need for
5 the ships to go across the main stream of traffic in
6 order to get to Father Point.

7 A. Now, has your experience established
8 that you were right with respect to ice and fog con-
9 ditions?

10 A. Oh, quite definitely.

11 Q. And sea and weather conditions?

12 A. This also, while you do get some bad
13 weather off Les Escumains, it is not as frequent or
14 as bad as it used to be off Father Point.

15 Q. If I recall correctly the evidence
16 in Quebec was to the effect that since the CITADELLE
17 was removed from service and since the pilot station
18 was transferred to Escoumains there were more pilots
19 carried to sea with their ship than previously.

20 A. I don't know that that is the case,
21 Mr. Jacques. This might be just a coincidence.

22 Q. It may be the removal of the CITADELLE.

23 COMMISSIONER RENWICK: It might be
24 more ships.

25 MR. LALONDE: Ships travelling
26 later in the year.

27 THE WITNESS: There might be several
28 reasons, but I think that all concerned are now satis-
29 fied that the move was the correct thing. As far
30 as the choice of a consideration of Trois Pistoles



1 this was looked into, and our information was that
2 fog and ice conditions were just as bad there as
3 at Father Point for one thing, and also the 30-foot
4 contour line, the 30-foot sounding line outside of
5 which most ships need to keep for picking up the
6 pilot was situated three miles out from the shore
7 so the pilot boat would have had to go out three
8 miles at least to embark and disembark.

9 Q. Thank you. Now, Question No. 12.
10 The amount may not seem important, but I know that
11 when it was abolished it provoked the ire of the
12 pilots.

13 A. Well, the history is soon after the
14 turn of the century the pilot station was moved from
15 Bick Island to Father Point a few miles farther down
16 the stream. The government of the day agreed to
17 provide the pilots with meals at Father Point.

18 Q. Was that a condition of the removal
19 of the station from Bick to Father Point?

20 A. This is correct. This is one of
21 the quids pro quo.

22 THE CHAIRMAN: It was provided by
23 the department or by the Authority out of pilotage
24 funds or out of public funds?

25 THE WITNESS: Out of public funds,
26 my lord. In the Royal Commission report of 1918
27 the Commission has stated that they did not look
28 favourably on such treatment being granted to one
29 district.

30 Q. That was in 1918?



1 A. Yes. They then recommended that
2 an increase be made in the pilotage rates to take
3 care of this expenditure, and that the pilots be
4 required to provide their own board. However, nothing
5 was done in this regard. However, at some point since
6 the amount was eventually set at 50 cents per meal.
7 This amount was paid, not only at Father Point but
8 also at Chicoutimi and Port Alfred. The pilot paid
9 his bill in the restaurant less 50 cents and the
10 restaurant claimed on the department for the 50
11 cents.

12 The amount provided in the estimates
13 for this purpose in 1962 was \$6,700. In 1962 as
14 the austerity programme was in effect it was felt
15 this might be a good time to put into effect the
16 recommendation of the Royal Commission of 1918.

17 Q. That was my point behind this
18 question. I wonder if a period of 44 years or
19 45 years would elapse between our recommendations
20 and their enforcement?

21 A. We hope not. The Minister agreed
22 that such action should be taken, and on August 17,
23 1962, the president of the Quebec Pilots was informed
24 that such payments were being discontinued forthwith.
25 On August 21, 1962, the regional superintendent of
26 pilots at Montreal was instructed to have the district
27 supervisor of pilots at Quebec discontinue the
28 practice of payment towards the cost of meals for
29 pilots.

30 Q. Now, Question No. 13, the nature and



1 extent of reports, criticisms, made by the pilots or
2 groups to the Authority against other pilots or
3 groups of pilots during the last five years.

4 You may recall the evidence of a
5 former pilot, Captain Langlois, who stated that on
6 several occasions during his lifetime his colleagues
7 made adverse reports against him to the Authority
8 and that he had to appear before the Authority and
9 justify, among other things, that his eyesight was
10 still good, and what not.

11 A. Well, we cannot recall any criticisms
12 or complaints made by way of pilots or a group of
13 pilots in the Quebec District against others since
14 the special pilot system was abolished. You will
15 appreciate that the pilot made mention of was a
16 special pilot and he was we feel partly responsible
17 for the terrible feuds that went on about this special
18 pilot system. However, since the special pilot
19 system has been abolished, we have not had this kind
20 of thing. However, the Royal Commission is aware of
21 the schism in the district on the organizational
22 matters now.

23 Q. Are reports made to you in that
24 respect?

25 A. No, we haven't had any official
26 complaints.

27 Q. No pilots wrote to you and said
28 "I want you to name the authority" or "I want you
29 to cease to be the authority", or what not?

30 A. No, I don't think so.



1 THE CHAIRMAN: Or "Direct my cheque
2 direct to me?"

3 THE WITNESS: I don't think so.
4 As far as I know, no. I will make a note of that
5 and check that.

6 THE CHAIRMAN: From the evidence I
7 do not think this request was made.

8 MR. JACQUES: Not within recent
9 years?

10 THE CHAIRMAN: No.

11 MR. JACQUES: There was a case of
12 it some years ago, even before the 30's.

13 THE WITNESS: I will check for the
14 last few years.

15 MR. BRISSET: May I comment? I
16 would like to know exactly what Captain Slocombe is
17 going to check.

18 MR. JACQUES: He is going to check
19 whether he received (a) the request of a pilot or
20 group of pilots that his money be paid to him directly
21 instead of to the pool, and (b) whether any reports
22 made by a pilot or a group of pilots have been made
23 to the Authority against another pilot or group of
24 pilots with respect to pilotage matters in general.

25 MR. BRISSET: With respect to the
26 first question I would suggest that the matter be
27 checked particularly in connection with the pilots
28 who do not belong to the Corporation.

29 THE WITNESS: You are speaking of
30 the Quebec District now, and I just would like to



1 check the Quebec bylaws on this, if you don't mind.
2 There is a different situation in the Quebec District
3 from that in the Montreal District.

4 Q. I refer you to Section 9 of paragraph
5 1.

6 A. Yes, sir. This is correct, so there
7 is no question of paying this to the pool in the
8 Quebec District. If this pilot -- if each pilot has
9 not given his authority to pay it to the Association
10 it would not be paid to the Association because the
11 bylaw says "after deducting the amount required for
12 the Quebec pilots pension fund, the superintendent
13 shall pay to each pilot the remainder of the pilotage
14 dues earned by him." So we must have the pilot's
15 authorization in order to pay his money to the
16 pool.

17 Q. But this authorization may be with-
18 drawn as between you and the pilot?

19 A. Yes.

20 Q. Regardless of what may happen be-
21 tween the pilot and the Corporation?

22 A. Yes.

23 Q. Would you check if you have had
24 any requests for withdrawing ---

25 A. Yes.

26 Q. Now, Question 14.

27 A. About the dormitories in Quebec.
28 These were discontinued in the Quebec Pilotage
29 Building on August 14, 1962. This action was taken
30 as little use was being made of these facilities.



1 Q. Do you have the statistics on the
2 use of the dormitories?

3 A. Not statistics, but information.

4 Q. Information, as you wish.

5 A. Just that, little use was being made
6 of them.

7 Q. You don't know how many pilots used
8 them?

9 A. There would be no check on this. In
10 the Montreal office the dormitory facilities had been
11 discontinued in 1956, and since that time pilots had
12 tended to make less use of the facilities in Quebec
13 although the apprentices occasionally used them.

14 The matter was taken up with the
15 Pilots' Committees of both Montreal and Quebec dis-
16 tricts -- you will understand this dormitory was used
17 by both districts -- they both agreed it would be
18 better for both pilots and apprentices to make private
19 arrangements for accommodation.

20 Q. These are the committees?

21 A. Yes. Accordingly, these facilities
22 were discontinued on August 14, 1962, thus effecting
23 a saving in the operational cost. This again was
24 part of the austerity programme.

25 Q. It was paid out of public funds?

26 A. Yes.

27 Q. And not pilotage dues?

28 A. Not pilotage dues, no.

29 Q. When you abolished these dormitories
30 did you receive any complaints from other pilots?



1 The evidence we have so far is that in the Quebec
2 District some pilots were quite bitter about the
3 abolition of the dormitories.

4 A. We were aware that a few pilots
5 objected to this abolition, but we felt it was in
6 the interests of the whole and quite justified to do
7 away with this provision. Actually there was very
8 little justification for it. I think if I am not
9 wrong it started during the war when they couldn't
10 get hotel accommodation. I am not quite sure about
11 this. I had the idea this was the case, but it may
12 not be so.

13 MR. BRISSET: May I ask a question
14 on this. Captain, were there any complaints made
15 to the department by the apprentices in the two
16 districts who were affected by this decision?

17 THE WITNESS: I don't know if there
18 was a formal complaint by them, no. Actually we
19 have not had formal representations from apprentices
20 generally speaking. Apprentices were guided by
21 the pilots' committees. I don't think that the
22 apprentices would be inclined to go against what the
23 pilots' committees say, or policy which had been
24 decided upon by the pilots' committees.

25 MR. BRISSET: Are you aware the
26 apprentices, following the closing of these dormi-
27 tories, have made representations asking that the
28 fee they were being paid be increased to take care
29 of the extra expense brought about by the closing
30 of these dormitories?



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THE WITNESS: No, I was not aware of
that.

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1 MR. LALONDE: While we are on this
2 subject, you said that this had been made with pre-
3 vious consultation and approval of the local com-
4 mittees of pilots. Do you have any correspondence
5 in that respect? Did you check the files?

6 THE WITNESS: I will check and I
7 will be quite likely to find that there is nothing
8 on file.

9 MR. LALONDE: Were you present at
10 these meetings?

11 THE WITNESS: No.

12 MR. LALONDE: You mean there would
13 have been meetings verbally? You mean it would
14 have been decided verbally?

15 THE WITNESS: Well, as you are well
16 aware, Mr. Lalonde, there is continual contact be-
17 tween pilots' committee members and departmental
18 officers and there is exchange of opinions, and we
19 did feel that we had the support of the committees
20 in this respect.

21 THE CHAIRMAN: It would be at local
22 level anyway?

23 THE WITNESS: It could be, but if
24 we had received this information from the local super-
25 visor we would not have questioned it.

26 MR. JACQUES:

27 Q. But you never requested, say, a
28 certified copy of the Minutes of a meeting of the
29 Pilots' Committee?

30 A. Oh, no, Mr. Jacques; we certainly did



1 not.

2 Q. The next question refers to the
3 CITADEL. Why was the type of pilot boat in use
4 changed from a fairly large vessel to a small craft?

5 A. The answer to that can be quite
6 easily demonstrated, Mr. Jacques. It is purely a
7 matter of expense. This was an expenditure out of
8 the public purse which with the move to the north
9 shore was considered no longer necessary. To ex-
10 plain why I could give figures.

11 Q. Yes, please?

12 A. Just as examples. In 1960, 1961,
13 the fiscal year 1960 to 1961, the fuel for the
14 CITADEL alone amounted to \$57,000. Now all the
15 expenses for one of the new pilot boats -- take
16 Pilot No. 10 as the more expensive of the two --
17 it happened in 1963 and 1964 were \$52,000.

18 Q. All the expenses?

19 A. All the expenses, including wages
20 and repairs and fuel and any other expense to do with
21 that pilot boat. In 1963 and 1964 it was \$52,000
22 for Pilot Boat No. 10. Which is less than we spent
23 on fuel alone for the CITADEL. The CITADEL total
24 cost in 1960-1961 was \$228,000. For CANADA PILOT
25 No. 10, as I have told you, it was \$52,000, and No.
26 9 was \$48,000. This was even though there has been
27 an increase in costs generally between 1960-1961 and
28 1963-1964.

29 The total of the two ships, the
30 CITADEL and the ABRAHAM MARTIN in 1960-1961 was



1 \$256,000 and the two boats in 1963-1964 was \$100,000.
2 These are in round figures.

3 Q. I see.

4 A. So there is a saving of \$156,000.

5 Q. Has the change in the price of
6 boats had any effect one way or the other on the
7 efficiency of the operation of boarding on and
8 boarding off?

9 A. We believe not, although there have
10 been some complaints about the manoeuvrability of
11 our new boats, particularly when the sea is astern.

12 There is a peculiarity about the
13 Quebec boarding, which I think is still in effect.
14 In rough weather the ship is requested to put astern
15 to the sea and is requested specifically not to make
16 a lee. This, of course, puts an unusual condition
17 of boarding on the pilot boat and I must say this
18 was not thought of in the construction of these
19 pilot boats. It was taken for granted that they
20 would always be head-on to the sea when boarding or
21 disembarking a pilot or would have a lee.

22 Q. I see. Is this the only complaint
23 you have had since the change of the boats?

24 A. This comes in another question, I
25 think.

26 MR. LANGLOIS: I was wondering if
27 these boats were built specifically for Les Escoumains?

28 THE WITNESS: No, they were not,
29 Mr. Langlois. They were supposed to be a prototype
30 for an outside boat -- outside Halifax, outside Saint



1 John -- if they would accept it, but they did not.

2 . MR. LANGLOIS: Do you have any
3 knowledge why they were not accepted by Halifax and
4 Saint John, New Brunswick?

5 THE WITNESS: Saint John tried it
6 but the sea conditions outside Saint John harbour are
7 peculiar with the tide and the wind and it has always
8 been considered that they needed a somewhat longer
9 vessel off Saint John. Whether or not this was
10 a preconceived objection to the new boat because it
11 was smaller, I am not prepared to say, but in any
12 case the Saint John pilots took strong exception to
13 the new boat.

14 THE CHAIRMAN: In any event the
15 type of boat they had before was longer?

16 THE WITNESS: Yes, sir.

17 THE CHAIRMAN: And they had that
18 experience in there before?

19 THE WITNESS: Yes, and they liked
20 the longer boat. But there has been no objection to
21 it in Halifax or Sydney, or outside Sydney.

22 As I say, there is another question
23 on this, is there not, Mr. Jacques?

24 MR. JACQUES:

25 Q. Perhaps, yes. Now you and I move
26 to Question No. 16, which refers to ---

27 THE CHAIRMAN: Excuse me. Mr.
28 Brisset?

29 MR. BRISSET: I hope it is in order,
30 my lord, to ask questions not at the end of the



1 evidence of Captain Slocombe but as each question
2 comes up?

3 THE CHAIRMAN: I think it would be
4 better after each question.

5 MR. JACQUES: It was the practice
6 followed during the last hearing in Ottawa.

7 MR. BRISSET: I understand, captain,
8 that the charge for boarding a ship at Escoumains
9 either for taking on or taking off a pilot is \$20;
10 is that correct?

11 THE WITNESS: That is correct.

12 MR. BRISSET: Can you give us the
13 number of boardings for the time the two ships have
14 been in existence, or in service?

15 THE WITNESS: I could obtain this,
16 but I obviously have not got it now.

17 MR. BRISSET: How long have they been
18 in service, both of them?

19 THE WITNESS: I would refer to the
20 pilots on this, if you do not mind.

21 CAPTAIN DUSSAULT: I would say
22 approximately three and two years. The first one
23 would be a little over two years and the second one
24 would be a little over three years.

25 MR. BRISSET: All right, will you
26 give us this information for 1962, 1963 and possibly
27 1964 up to date?

28 THE WITNESS: The number of board-
29 ings and the disembarkings of pilots at Les Escoumains?

30 MR. BRISSET: For which the fee of



1 \$20 was paid by the ship?

2 THE CHAIRMAN: Would this not be
3 on the financial report which is collected by the
4 Quebec District? It should be on there.

5 THE WITNESS: That is correct, it
6 should be on there.

7 MR. LALONDE: I think, my lord, we
8 had them including Quebec and Les Escoumains. I
9 think we had the boardings and disembarkings together.

10 THE CHAIRMAN: One is for duty and
11 the other is private, so they should be separated
12 on the report. I know in other districts they
13 are separated on the reports. In any event we
14 will check that and if it is in the financial report
15 we will find it.

16 MR. BRISSET: I do not recall seeing
17 them.

18 THE CHAIRMAN: Maybe it is different
19 there.

20 THE WITNESS: If it is not there you
21 want it, Mr. Brisset, since the two new boats have
22 been in service?

23 MR. BRISSET: Yes, or starting
24 from 1962 -- since they have been in operation,
25 indicating the number of boardings each season.

26 MR. JACQUES:

27 Q. Question No. 16 refers to the
28 threat of strike in 1960.

29 THE CHAIRMAN: This is going to be
30 a long question?



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MR. JACQUES: Yes, my lord.

THE CHAIRMAN: Yes, I think so.

We will adjourn now until 2.30.

---Luncheon adjournment.



1 ---UPON RESUMING AT 2:30 P.M.

2 CAPTAIN SLOCOMBE, Recalled

3 MR. BRISSET: My Lord, before we proceed
4 with Captain Slocombe, I would like to withdraw the
5 questions that I asked before the adjournment, as the
6 information is already contained in the record as
7 Exhibit 534. In 1961 there were 6738 boardings and
8 the revenue was \$134,760.00. In 1962 there were
9 6795 boardings and the revenue was \$135,900.00. In
10 1963 there were 6798 boardings and the revenue was
11 \$135,960.00.

12 I would like to ask some more
13 questions, if I may.

14 THE CHAIRMAN: Right.

15 MR. BRISSET: Captain Slocombe, in your
16 figure of \$100,000.00 rough for the expenses of the
17 pilot boats numbered 9 and 10 in Escoumains per year
18 average, do you include depreciation or is it only
19 the running expenses?

20 THE WITNESS: No, sir; these are just
21 running expenses. These were actual round figure
22 amounts for this 1963-1964 fiscal year.

23 MR. JACQUES: Q. Out of pocket expenses?

24 A. Yes -- wages of crew, repairs, fuel
25 and other expenses.

26 MR. BRISSET: Can you give us the cost to
27 the government of PILOT BOAT NO. 10 and PILOT BOAT
28 NO. 9 -- the building cost or the cost of purchase?

29 THE WITNESS: Not exactly at the moment, but
30 it was about \$250,000.00.



1 MR. BRISSET: Each or for both?

2 THE WITNESS: Each. I could get this
3 exactly, but I would not like to say it from memory.

4 MR. BRISSET: Could you possibly give us
5 the figures for both ships including the year they
6 were commissioned?

7 MR. JACQUES: Q. Following Maitre Brisset's
8 question I should like to show you Exhibit 1294(4),
9 the second page entitled, "The Department of Transport
10 Marine Service Nautical and Pilotage Division Statement
11 of Non-Cash Expenses for Fiscal Year 1963-1964."

12 You will note that in the first
13 column with respect to PILOT BOAT NO. 9 and NO. 10 the
14 total is \$27,000.00. Would that be the value of the
15 boat?

16 A. I do not understand that statement
17 at all.

18 Q. Thank you.

19 A. No, quite definitely that is not the
20 value. If the Commission wishes to have that statement
21 explained I could get a financial man here to explain
22 it.

23 Q. We have further plans with respect
24 to financial matters.

25 Question 16 relates to the threat of
26 a strike in 1960 in, of course, the Quebec District.

27 A. Well, during the winter of 1959-1960
28 there were the usual meetings with the Pilots' Committee
29 of the Quebec District, the usual contacts, and there
30 were many controversial items that arose. Among these



1 was the abolition of the special pilots system.

2 This practice had been done away
3 with in the Montreal District in the previous season
4 and in that case the approximate amount which had
5 been paid by ship owners to special pilots was
6 embodied into a general increase in the tariff.
7 It was taken for granted by the officers who were
8 talking to the Pilots' Committee that the same
9 procedure would be followed in the Quebec District.
10 That is, that the amount of \$65,000.00, which was
11 estimated to be the amount paid in bonuses to special
12 pilots during the season, would be compensated for
13 by an increase in the tariff.

14 However, when the matter was laid
15 before the Pilotage Authority for consideration and
16 the concurrence of the Shipping Federation was sought,
17 the Shipping Federation objected most strongly to
18 any increase in the tariff for this purpose.

19 A study of the matter revealed that
20 the net effect of the proposal would be that the
21 special pilots would sacrifice part of the unofficial
22 extra salaries they had received and bonuses, but
23 would regain part of it in the tariff increase.

24 Q. How?

25 A. Well, if there were a tariff increase
26 it would reflect in their earnings as well. All the
27 other pilots would benefit to the extent of a general
28 tariff increase, which would have given them about
29 \$1,000.00 more per year each.



1 From the point of view of the
2 shipping companies this would have meant that companies
3 which had had nothing to do with the special pilot
4 scheme in the past and had paid no bonuses would now
5 be faced with a substantial tariff increase.

6 The level of earnings in the Quebec
7 District had increased in 1958 and 1959 and was
8 substantially above that in the other St. Lawrence
9 Districts and the effect of this proposal would have
10 been to increase the gap. The pilots were incensed
11 at this refusal to accede to their demands and there
12 was talk of a strike -- although I was not able to
13 find this on the file.

14 In any case after further discussion
15 all parties agreed to an increase of \$15,000.00 in
16 total, which was expected to cover extra payments
17 to Grade A pilots for handling ships over 10,000 tons
18 net tonnage. This was done. Instead of the \$65,000.00
19 being the amount by which the revenue was intended to
20 be augmented, the amount of \$15,000.00 was decided upon.

21 COMMISSIONER SMITH: Was that agreed
22 to by the pilots?

23 THE WITNESS: Yes. According to my
24 notes in the files it is, Mr. Smith. It was a compromise
25 as usual.

26 MR. JACQUES: Q. But would any
27 memo or document in your files contain evidence of the
28 threat of a strike?

29 A. I do not know whether one letter from
30 Mr. Lalonde made mention of the possible calling of a



1 general meeting or not. Of course, the word "strike"
2 was not mentioned at all.

3 Q. Well, is that the only reference
4 to the possibility of calling a general meeting?

5 A. I think so.

6 Q. Have you got the memos and documents
7 with reference to that incident?

8 A. Not with me, no. Frankly I am
9 not quite sure now whether this was in the Quebec Dis-
10 trict, at that time, or am I thinking of another
11 letter?

12 Q. Would you check again in your files
13 and file with the Commission the memos and other
14 documents?

15 A. We don't file memos, not inter-
16 departmental memos. We are filing all the letters.

17 Q. No memos?

18 A. No.

19 Q. I am sure your memos, being summaries
20 of meetings which you had with pilots and other bodies
21 interested in pilotage, would be quite useful to the
22 Commission.

23 A. If the Commission requires these
24 they will have them.

25 MR. JACQUES: Then we shall say the memos
26 shall be filed as confidential Exhibits.

27 THE CHAIRMAN: That is not necessary. I
28 would prefer the information be given rather than
29 filing as confidential Exhibits.

30 MR. JACQUES: Shall we ask the witness then



1 to sum up the memos in his evidence?

2 THE CHAIRMAN: Yes.

3 THE WITNESS: This is what I am doing,
4 trying to glean the facts out of a mass of words on
5 the files about these things, trying to make a coherent
6 story out of it.

7 MR. LALONDE: I certainly have objections
8 to summaries being made now of memos which no counsel
9 would be in a position to see or assess or evaluate.
10 I understand the witness has no objection to filing
11 correspondence. Secondly, the Commission Counsel has
12 requested memos of meetings with outside people which
13 I understand still could be filed without getting into
14 the category of privileged documents of the Crown.

15 THE WITNESS: Oh, yes, with the pilots
16 committees and so on.

17 MR. LALONDE: I understand the witness to
18 have objection quite understandably to filing inter-
19 departmental memos. I notice it has been your general
20 policy.

21 THE CHAIRMAN: One memorandum is only one
22 person's opinion and if we file one memorandum we would
23 be obliged to file all the others and after all it
24 is the result that counts, it is not what this one said
25 or the other one said.

26 MR. LALONDE: Yes. On that basis I would
27 register objection to filing a summary of memos, whatever
28 they are. I think the memos of actual meetings with
29 outside parties, if any, should be filed as such or
30 there should not be any reference to memos at all.



1 THE CHAIRMAN: That is right. We agree with
2 you. That is the understanding.

3 THE SECRETARY: I am wondering if the
4 witness has understood.

5 MR. JACQUES: Q. If your files contain
6 memos of meetings which were not meetings of strictly
7 officers of the Department or other Departments will
8 you file them, please?

9 A. Yes, by all means. I may say that
10 for a time when I was Supervisor of Pilots whenever we
11 went to a meeting I did make a proper memorandum which
12 was supposed to be the record of the proceedings
13 although not verbatim; but sometimes we have had
14 this kind of document, if you like, on file and sometimes
15 not. Now whatever we have there is no objection at all
16 to you having these records.

17 THE CHAIRMAN: That is all right.

18 THE WITNESS: They are rather sketchy. I
19 am afraid in the pressure of work, there has been so
20 much done in the last few years over the telephone,
21 talking to the pilots over the phone and so on, there
22 has not been a coherent picture right through.

23 MR. JACQUES: Q. I do not pretend these
24 memos would contain a complete picture of the problem.
25 At least they would be contemporary documents, being
26 documents written at the time the events took place
27 and as such, I submit they would be valuable to the
28 Commission.

29 A. I will see what we can get. This
30 takes some time, as you may imagine.



1 Q. Now you mentioned the possibility
2 of an exchange of correspondence also with respect
3 to, let us say, the general meeting of 1960?

4 A. The letter I am thinking of was a
5 letter from Mr. Lalonde to the Minister, I think,
6 setting out the various points at issue and possibly
7 the last paragraph had some reference of this kind. It
8 may already be on file.

9 MR. LALONDE: This has been filed, I think.

10 THE WITNESS: I think it probably has.

11 MR. JACQUES: Q. And with reference to
12 this question I should like to quote from the evidence
13 given by Pilot Barras, July 25th, Quebec Volume 52A
14 of the evidence, page 6259. I will read this:

15 "Q. Did you as a matter of fact
16 attend the general meeting during the
17 seven, eight or ten days?

18 A. No, not all the sessions.

19 Q. For what reasons?

20 A. I was not in favour of this
21 strike, being the 1962 one. During
22 the strike of 1960 a number of pilots
23 had a meeting and were gathered all
24 over the place and we sent a
25 telegram to the President at the
26 time who was Mr. Boyer -- "

27 MR. LALONDE: That is an error in the
28 transcript. It should be Bailly.

29 MR. JACQUES: "--asking him not to do
30 anything whatever thinking about it



1 or consulting the Authority because
2 we were under the impression there
3 were civil servants who wanted
4 pilots to go on strike as to hold it
5 against them afterwards."

6 Now would you have in your file anything
7 tending to support this statement?

8 A. No, I am quite sure we haven't, Mr.
9 Jacques. We were not looking for trouble, I assure
10 you.

11 COMMISSIONER SMITH: My Lord, I wonder if I
12 could bring up something? It has to do with the
13 question of the abolishing of the special pilot and
14 the supplementary revenue that was supposed to be
15 provided in lieu of the \$65,000.00 a year that the
16 special pilots earned and I understood your evidence
17 to be that the pilots had agreed to the \$15,000.00 in
18 place of the \$65,000.00 earned. Am I quoting it
19 correctly?

20 THE WITNESS: This was part of a compromise
21 which was part of a larger compromise, I think.

22 COMMISSIONER SMITH: In the evidence taken
23 in Quebec one of the pilots stated that the Department
24 had agreed to supplement the \$65,000.00. This is what
25 the evidence says in blunt language. The witness said
26 the Authority went back on its word.

27 THE WITNESS: As I explained, Mr. Smith,
28 the officer who was talking to the Pilots' Committee
29 discussing this matter took it for granted the same
30 procedure would be followed as had been followed the



1 previous year in Montreal and he was not in a position
2 to speak for the Pilotage Authority. Any discussions
3 we have with the pilots are always subject to approval
4 by the Pilotage Authority and in this case the
5 impression that he gave them was not borne out. He
6 had no support for it later on.

7 COMMISSIONER SMITH: Is it acknowledged he
8 actually told the pilots that the \$65,000.00 revenue
9 would be made up?

10 THE WITNESS: This was understood in the
11 discussions, yes. This was his mistake. It was quite
12 an unintentional mistake and one that he had no
13 reason to think would not be carried out.

14 COMMISSIONER SMITH: And was it corrected
15 afterwards?

16 THE WITNESS: Well, it was because the
17 Pilotage Authority refused to allow the \$65,000.00.

18 THE CHAIRMAN: In Montreal a year before
19 full compensation had been given for the loss of
20 revenue through special pay for special pilots. Full
21 compensation was given in the tariff, but when it
22 came to Quebec it was only partial compensation given.

23 THE WITNESS: This is correct, My Lord.

24 THE CHAIRMAN: This was the assurance of
25 the DOT representative who was there but had no
26 authority to say that?

27 THE WITNESS: That is correct. The reason
28 for this was explained in a letter from Mr. Balcer or
29 Mr. Hees to Mr. Lalonde. I could get a copy of that
30 letter for you tomorrow morning.



1 MR. JACQUES: Please do.

2 THE WITNESS: It explains why this was
3 done in Montreal and not Quebec.

4 THE CHAIRMAN: Check and find out first
5 whether it was not filed because it could have been
6 filed.

7 MR. LALONDE: My friend, Mr. Jacques, asked
8 me if I had any questions on this matter, although we
9 haven't been asking questions on each item. I am of
10 two minds on this whole subject. I will ask the
11 questions now if you wish, but I will have other
12 questions later on and I know personally I would prefer
13 to let Mr. Jacques go on and take over after, after
14 we have seen the Exhibits produced.

15 THE CHAIRMAN: Whatever suits you. If at
16 all possible, if you could finish one question
17 altogether with the examination and cross-examination,
18 if any, that would be better. When we are reviewing
19 the evidence we appreciate it very much to have it in
20 sequence.

21 MR. LALONDE: Do you want me to catch up
22 to these numbers now?

23 THE CHAIRMAN: As you wish.

24 MR. LALONDE: Do you mean to say, Captain,
25 at meetings of the pilots who had been given to
26 understand that the \$65,000.00 which was supposed to
27 be the amount the special pilots obtained, the pilots
28 agreed to a reduction of this to \$15,000.00 and they
29 were satisfied with that?

30 THE WITNESS: I don't know that they were



1 satisfied but this was not an individual item. This
2 was included in a number of other items.

3 MR. LALONDE: When the settlement was
4 reached sometime in October --

5 THE WITNESS: Maybe not October, I don't
6 know.

7 MR. LALONDE: When there was a general
8 settlement of the whole problem?

9 THE WITNESS: That is correct.

10 MR. LALONDE: Is it not a fact there was
11 no settlement before the agreement, signed by the
12 Minister of Transport, on October 13th, 1960?

13 THE WITNESS: I have been looking for
14 that agreement, Mr. Lalonde, and I have not been able
15 to find it yet.

16 MR. LALONDE: No copy in your files?

17 THE WITNESS: Well, there is something,
18 but I have not been able to find the original agreement.
19 This seems to have been done by the Minister of
20 Transport himself with the pilots' representatives.

21 MR. LALONDE: I certainly have the agreement
22 with me, that is one thing. I won't let you have it
23 but if you want a copy I can give you one right now,
24 and we will go later on into this matter if you want
25 to.

26 What you are referring to, I think,
27 is the statement where the Department gives the
28 assurance that the change in the Quebec by-laws will
29 provide for revision of the maximum tonnage charge
30 from 7,500 to 15,000 tons to take effect on January



1 1st, 1961. That is, the previous limit to the tariff
2 which was 7,500 was raised to 15,000 as far as
3 assessing the tariff is concerned. Was this what you
4 were referring to?

5 THE WITNESS: I don't know. There was a
6 tariff revision of some kind which provided for this
7 15,000.

8 MR. LALONDE: Now, if you look in your
9 files you will find a memorandum signed by the Quebec
10 pilots on April 4, 1960. I refer you in particular
11 to a letter of January 25, 1960, and I say it should
12 be in your files. It is from the Deputy
13 Minister of Transport.

14 THE WITNESS: To?

15 MR. LALONDE: To the President of the
16 Quebec Pilots Association from Mr. Baldwin to Captain
17 Rousseau.

18 Now, you said an official of the
19 Department led the pilots to understand that the same
20 procedure would be followed in Quebec as in Montreal.
21 Who was this official?

22 THE WITNESS: Captain Jones.

23 MR. LALONDE: You said this was without
24 authority?

25 THE WITNESS: This was during the discussions.
26 He had no reason to think this would not be done.

27 MR. LALONDE: I am referring you to a letter --
28 this memorandum was produced as Exhibit 696, and it
29 reproduces part of the letter of Baldwin of January
30 25, 1960 and part of it reads as follows: "At the



1 same time I would appreciate hearing the views of your
2 committee on the desirability or otherwise of
3 continuing the present practice of permitting the
4 line of regular traders to be served only by pilots
5 of their choice. The practice of assigning so-called
6 special pilots to certain ships was found undesirable
7 in the Montreal District, and for this reason was
8 abolished in favour of a grading system with the
9 piloting of larger vessels being restricted to
10 pilots of the highest grade."

11 Here is an important part: "At
12 the same time the tariff of dues in the by-laws was
13 adjusted so as to compensate for the loss of income
14 privately received by the special pilots. This new
15 system has worked well and the Pilotage Authority
16 looks with favour upon its extension to your District."

17 Isn't it a fact that such a letter
18 would be of a nature to lead both Captain Jones and
19 the pilots to the conclusion that the same procedure
20 would be followed as was followed in the Montreal
21 District?

22 THE WITNESS: Yes, it would, and we had
23 no reason to think otherwise.

24 MR. LALONDE: So that in effect when
25 Captain Jones was saying something similar to the Quebec
26 pilots he might have been only paraphrasing what had
27 been written by the Deputy Minister on January 25, 1960?

28 THE WITNESS: It is possible. As I say, he
29 had no reason to believe it would be otherwise, but
30 there had been no objection from the Shipping Federation



1 up to that point.

2 MR. LALONDE: I see.

3 THE CHAIRMAN: And the Minister is the
4 authority.

5 MR. LALONDE: I understand he was at the
6 time. Maybe Captain Jones didn't speak with any
7 authority, but what he said was not completely out
8 of context at that time?

9 THE WITNESS: This is correct, yes. I
10 think Captain Jones was quite correct. When we say
11 he was doing it without authority, I am not implying
12 any blame on Captain Jones because if I had been doing
13 it I would have done the same.

14 MR. JACQUES: You mean to say before
15 entering into negotiations he was told merely by the
16 Pilotage Authority that the \$65,000.00 would be
17 granted? He was not given any instructions in that
18 respect?

19 THE WITNESS: Not specifically. As I say,
20 Mr. Lalonde has raised the point there that that
21 letter was written on --

22 MR. LALONDE: January 25, 1960.

23 THE WITNESS: I don't know when the discus-
24 sions of which we were speaking took place.

25 MR. JACQUES: This shows the usefulness of
26 having memos filed.

27 THE WITNESS: Quite definitely.'

28 THE CHAIRMAN: We have heard also it was
29 only because some other events happened later on that
30 some changes had been --



1 THE WITNESS: This is correct. There were
2 objections to this course later on which caused him
3 to change his mind.

4 MR. LALONDE: What you call a settlement,
5 the settlement you refer to, I submit to you occurred
6 on October 13, 1960, or if you can recall, sometime
7 in October, 1960, when all the questions were
8 discussed together.

9 THE WITNESS: This is at the same time,
10 whenever that was.

11 MR. LALONDE: The agreement was signed
12 on October 13, 1960, and the net result of it was
13 something like \$15,000.00 was allocated to the Quebec
14 pilots?

15 THE WITNESS: Correct.

16 MR. LALONDE: As far as the adjustment
17 in tariff was concerned?

18 THE WITNESS: Correct.

19 COMMISSIONER RENWICK: Would it be correct,
20 My Lord, to say that was, however, part of a package
21 deal?

22 THE WITNESS: This is what I was implying in
23 a previous answer. Part of the general set-up.

24 MR. LALONDE: I am given to understand, My
25 Lord, that there was an adjustment in July, an amount
26 around \$15,000.00, which meant an increase in the
27 allocation to grade A pilots of \$25.00 per ship over
28 10,000 tons net, and later on there was this additional
29 agreement of October 13, 1960. However, if you check
30 in your files you will find it I am sure.



1 I also submit to you, and you might
2 check into this matter, that this increase in July,
3 1960 or around that time was therefore not part of
4 a package deal but was a first concession in the
5 course of the discussions which took place during
6 that time or the difficulties which had been met,
7 and probably subsequent to this meeting, this brief
8 of April 4, 1960.

9 THE WITNESS: I still feel it would be as
10 part of the general discussions during that summer.

11 MR. LALONDE: Well, I submit to you that
12 the first time I ever touched a pilotage matter was
13 on August 16, 1960, so I certainly had nothing to do
14 with anything before then, so any part of discussion
15 with me would be after that date, but you may check
16 in your files and find out.

17 THE WITNESS: This letter may have been
18 addressed to Captain Rousseau.

19 MR. BRISSET: Captain Slocombe, on the topic
20 of the \$65,000.00 which the Shipping Federation of
21 Canada opposed vigorously in the form of an increase
22 in the tariff, would I be stating the position of the
23 Shipping Federation correctly if I were to tell you that
24 the objections of the Shipping Federation were these:
25 First, that the pilots of the Quebec District would
26 make up this \$65,000.00 through, first, the special
27 allowance to A pilots; second, the increase in the
28 tonnage for the purposes of calculation was 15,000 tons;
29 and thirdly, in view of the expectation that the tonnage
30 of ships as shown from statistics was increasing;



1 fourthly, in any event the work load of the pilots
2 in Quebec was going to be decreased in view of the
3 shifting of the pilotage station from Father Point
4 to Escoumains and that consequently there was no
5 justification in addition to all these benefits to
6 grant a further increase of tariff to provide for
7 an extra \$65,000.00. Is that putting it --

8 THE WITNESS: I think that probably sums
9 it up.

10 MR. LALONDE: I submit to you it does not
11 sum it up so we will get into an argument here because
12 the increase of 7,500 tons to 15,000 tons occurred
13 only on October 13, 1960 after a lot of pressure, and
14 that was the last concession which we obtained, and
15 we could obtain it only as applied from January 1st
16 of next year, so the Shipping Federation could not
17 have made a concession during the year. It could
18 not have been an argument during the negotiation.

19 MR. BRISSET: Let's leave this point aside;
20 then the three other points I have mentioned still
21 hold good. You will agree, won't you?

22 THE WITNESS: I won't contradict you, Mr.
23 Brisset, because I have to search through files. I
24 will take your word for it.

25 MR. BRISSET: At all events, Captain, are
26 you in a position to confirm that in the end, when
27 the results of the year of operation 1960 were actually
28 known, the pilots did not fare too badly compared to
29 the previous year?

30 THE WITNESS: Well, this was the gist of what



1 the Minister wrote to, I think it was Mr. Rousseau.

2 MR. BRISSET: Isn't it a fact their
3 work load was, in fact, considerably diminished while
4 their actual gross revenues were about the same?

5 THE WITNESS: This was mentioned, but I
6 hate to bring it up because this was violently
7 reacted to by the pilots.

8 MR. JACQUES: Q. The next question,
9 question 17 refers to a boat charge which was to
10 be made to the pilots for the use of a pilot boat
11 at Escoumains at the outbreak of the 1962 strike.

12 A. I would like to make a correction
13 right away, this pilot boat charge made to the pilots
14 for the use of the boats -- this was not correct.
15 However, I will say what actually happened. What I
16 will say will explain exactly. There are two letters
17 here unless they are already in evidence, a letter
18 from the Deputy Minister to Captain Gaston Rousseau
19 on September 15, 1961 -- is this already in evidence?

20 MR. LALONDE: Yes, Exhibit 697.

21 THE WITNESS: And one from the Minister
22 at that time, Mr. Balcer of February 20, 1962.

23 MR. LALONDE: Also filed under the same
24 number.

25 THE WITNESS: In that case I don't think
26 I have anything more to add in answer to that question,
27 Mr. Jacques. The situation is laid out very fully in
28 those two letters. You asked there why the apparent
29 sudden change of opinion. There was no sudden change
30 of opinion. Dropping of the proposal was one of the



1 measures forced upon the Pilotage Authority by the
2 1962 strike. If it will help, I can read these
3 two letters into the record again.

4 MR. JACQUES: Would you give me the date
5 of those letters again?

6 THE WITNESS: September 15, 1961 and
7 February 20, 1962.

8 MR. LALONDE: It is part of the evidence
9 of Captain Rousseau on September 19, 1963?

10 THE SECRETARY: Exhibit 697.

11 MR. JACQUES: Q. I would like to quote
12 from Captain Barras evidence in that respect, volume
13 52, page 6261:

14 "Q. When you were talking about
15 guarantees, do you mean that at that
16 time you were ready to do some
17 pilotage despite the strike yourself?

18 A. Well, perhaps I would have done
19 some pilotage despite the strike
20 if the question of dues from the
21 pilot boat to the pilot had not been
22 raised.

23 Q. Is it not true that very soon,
24 in the course of the discussions
25 held at that time --"

26 That is, April of 1962 --

27 "you were advised by the Authority
28 that these deductions or this charge
29 would not be made and that this
30 project was being abandoned to



1 impose a charge for this of the
2 pilot ship?"

3 This, of course, is a translation of the original. That
4 would not be exact.

5 A. Yes, it would. They were told at
6 the time of the strike this was being dropped.

7 MR. LALONDE: Would you explain, Captain
8 Slocombe, the genesis of this proposal?

9 THE WITNESS: Will I explain?

10 MR. LALONDE: Yes, where did it come from?

11 THE WITNESS: The Order-In-Council which
12 provided for public funds to be spent on pilot boats
13 outside of the Quebec District.

14 MR. LALONDE: Yes.

15 THE WITNESS: As we all know the Quebec
16 District pilot boats at Father Point and Escoumains
17 had been paid for out of public funds for a long time.
18 In 1951 the Order-In-Council providing for the payment
19 out of pilotage funds for the expenses in other Districts
20 gave as the reason -- now I am speaking from memory;
21 I haven't a copy of it, but it is on file -- to ensure
22 adequate remuneration for the pilots in those Districts.

23 MR. LALONDE: Referring to which District,
24 Quebec?

25 THE WITNESS: No. These were Sydney,
26 Halifax, St. John and British Columbia at that time,
27 and Bras d'Or Lakes also had it.

28 MR. LALONDE: I see.

29 THE WITNESS: And this was to ensure adequate
30 remuneration without increasing the tariffs at that time.



1 Much water had gone under the bridge since that
2 Order-In-Council and the pilotage revenues had
3 increased very greatly. The Treasury Board raised
4 the point. As Mr. Baldwin said to Captain Rousseau,
5 in his letter of September 15th, recently the Treasury
6 Board, which has the responsibility for dealing with
7 government expenditures, has raised with the Department
8 certain questions with respect to the expenditure of
9 public funds in the administration and operation of
10 pilotage in Canada.

11 MR. JACQUES: Q. I have that letter
12 before me. This letter referred to $4\frac{1}{2}\%$ of revenue
13 of pilots to go towards administration.

14 A. This is correct.

15 Q. There is no mention of a \$25.00
16 boat fee to be charged to the pilot in that letter.
17 The pilot Barras mentioned definitely that the
18 Department wanted to charge the pilot a boat fee of
19 \$25.00.

20 A. I think this was either a mis-
21 conception or a misstatement of the procedure .

22 MR. LALONDE: I do not even know whether
23 Pilot Barras mentioned that.

24 MR. JACQUES: Oh, yes.

25 MR. LALONDE: Maybe he said so.

26 THE WITNESS: I saw something about it in
27 the evidence there, but it did not make sense. No --
28 the $4\frac{1}{2}\%$ came into it as mentioned in the Minister's
29 letter.

30 MR. LALONDE: You said there was a reference



1 in an Order-In-Council in 1951 for Districts other
2 than Quebec?

3 THE WITNESS: To the four Districts.

4 MR. LALONDE: Except Quebec?

5 THE WITNESS: It was not a question of
6 Quebec at all.

7 THE CHAIRMAN: Quebec was already provided
8 for.

9 THE WITNESS: Yes, Quebec was already
10 provided for.

11 MR. LALONDE: Yes, and in effect pilot
12 boats had been provided for in Quebec since the
13 early days?

14 THE WITNESS: Since the turn of the century
15 almost.

16 MR. LALONDE: And there had never been any
17 trouble about that; this came out of public funds;
18 is that the case?

19 THE WITNESS: Correct.

20 MR. LALONDE: I understand the reason was
21 because there was substantial remuneration in St.
22 John and Quebec; is that it? The position was taken
23 to try and get back some of that money which had been
24 expended, or what?

25 THE WITNESS: In all the Pilotage Districts
26 the question was raised as to the need for the use of
27 public funds -- in other words, to subsidize the
28 Pilotage Districts when the revenues had attained such
29 a height as to give what was considered an adequate
30 remuneration for the pilots.



1 MR. LALONDE: Could you tell me how you
2 arrived at 4 $\frac{1}{2}$ % in Quebec and 25% in St. John to begin
3 with?

4 THE WITNESS: Each was on an ad hoc basis.

5 MR. LALONDE: Done by whom?

6 THE WITNESS: At the moment I do not
7 remember -- not me.

8 MR. LALONDE: Was it decided at the Depart-
9 ment of Transport?

10 THE WITNESS: Yes, this was in the Depart-
11 ment of Transport.

12 MR. LALONDE: This percentage was decided
13 in the Department?

14 THE WITNESS: Yes.

15 MR. LALONDE: Was it done under your
16 authority or above you?

17 THE WITNESS: Above my authority.

18 MR. LALONDE: So nobody below you or
19 yourself had anything to do with arriving at that
20 particular figure?

21 THE WITNESS: Well, the thing was that
22 this target income came into it. In each District
23 this target income was arrived at.

24 MR. LALONDE: Yes?

25 THE WITNESS: And the amount of the revenue
26 which was needed to provide that was arrived at by
27 calculation and what was left was proposed to be
28 skimmed off to go towards administration.

29 MR. LALONDE: Now ---

30 THE WITNESS: You realize, My Lord, that



1 another way to do it would have been to reduce the
2 tariffs to get down to what might be called the
3 target income and still have the government pay for
4 the expenses. This was just another way of doing
5 it.

6 MR. LALONDE: The $4\frac{1}{2}\%$ and 25% respectively
7 were decided above your head? You did not have
8 anything to do with that?

9 THE WITNESS: I am not saying I did not
10 have anything to do with that. I just do not remember
11 how much I had to do with it. I was in on all these
12 calculations.

13 MR. LALONDE: And this was based on the
14 idea of the target income?

15 THE WITNESS: Yes.

16 MR. LALONDE: Who decided the target income
17 -- what it should be?

18 THE WITNESS: I do not know the person.
19 You are not asking me for names of persons, surely?

20 MR. LALONDE: Why not?

21 THE WITNESS: Because I do not intend to
22 tell you, if I knew.

23 MR. LALONDE: All right. We might have
24 to find out about this later on.

25 Now can you give me one good reason
26 why it was $4\frac{1}{2}\%$ in Quebec, 25% in St. John and zero
27 percent in Vancouver, British Columbia?

28 THE WITNESS: It would depend upon what
29 was arrived at as the appropriate target income.

30 THE CHAIRMAN: Excuse me, it was not zero



1 percent as far as British Columbia is concerned because
2 they were asked also to contribute and they raised a
3 lot of protest and that was the end of it as far as
4 British Columbia goes. They were asked also that
5 part of the revenue of the District be put against
6 the expenses paid by the pilot.

7 MR. LALONDE: I submit, My Lord, this
8 must have been done verbally only, of course.

9 THE CHAIRMAN: No, we have a letter on
10 that.

11 MR. LALONDE: We submit that in all the
12 discussions at that time and the discussions of the
13 Canadian Merchant Service Guild that I heard of and
14 all the correspondence ---

15 THE CHAIRMAN: 1961.

16 MR. LALONDE: I understand that there was
17 a first letter of a general nature without figuring
18 anything at all.

19 THE CHAIRMAN: That is right.

20 MR. LALONDE: Any item, no percentage --
21 sent to all Districts.

22 THE CHAIRMAN: That is the one.

23 MR. LALONDE: Sent to all Districts, not
24 only Vancouver. Do you remember that?

25 THE WITNESS: Yes.

26 MR. LALONDE: Why, while the Vancouver
27 pilots were doing several thousand dollars a year's
28 worth of work more than the eastern pilots, did they
29 not receive any letter with any fixed percentage?

30 THE WITNESS: Possibly we had not got around



1 to them when the thing was dropped; I do not know.

2 COMMISSIONER RENWICK: Could it be that they
3 are working on a 12-month basis?

4 THE WITNESS: All these factors were taken
5 into account, Mr. Renwick, yes. I am not in a position
6 now to give you the exact reason for every step that
7 was taken.

8 MR. JACQUES: Q. This $4\frac{1}{2}\%$ which I thought
9 was something different from the \$25.00 comes up for
10 further explanation, I think, at question 34 and I
11 trust that by that time you will be able to supply the
12 information which has been requested?

13 A. I think I had better read these
14 letters into the file again.

15 MR. LALONDE: They are tabled; we have
16 them.

17 THE WITNESS: Well then, I should not be
18 answering any further questions on them.

19 MR. LALONDE: Why not?

20 THE WITNESS: Because this is a letter from
21 the Minister and I am not going to elaborate on what
22 the Minister said.

23 MR. LALONDE: My Lord, that is the whole
24 problem. If we are going to have letters tabled from
25 the Department and it is going to be said that this is
26 it, period, there is nothing to do here; we might as
27 well go home.

28 THE CHAIRMAN: If it is the Minister, then
29 we will have to call the Minister, Mr. Hees, or Mr.
30 Balcer and the others to explain why they wrote these



1 letters without consulting their advisors. So we have
2 to take it for a fact that that is what the authority
3 decided.

4 MR. LALONDE: But then we cannot get any
5 information as to why a decision was arrived at and
6 why it was done in certain instances and not done in
7 others?

8 THE CHAIRMAN: Sorry. Your question is
9 not permitted as far as this is concerned.

10 THE WITNESS: I will read this letter:

11 "The income per pilot during the
12 last season in your District was
13 \$14,762.00 out of line with other
14 Pilotage Districts and other income
15 levels for comparable types of
16 service in the area. This becomes
17 particularly important when we
18 consider that the Department is
19 subsidizing the District to the
20 extent of about \$125,000.00 per
21 annum in administration and pilot
22 boat costs.

23 I feel sure that there would be
24 substantial criticism if it became
25 widely known that the government was
26 heavily subsidizing the pilots in
27 this connection and the pilots were
28 also receiving an income along lines
29 mentioned above."

30 MR. LALONDE: You are reading propaganda which



1 has already been filed.

2 THE WITNESS: I am reading a letter from the
3 Minister which stated the reason for taking this action,
4 or suggesting this action.

5 MR. LALONDE: Yes, but the situation I am
6 submitting to you is that if you look at the earnings
7 in Vancouver at that time they were around nineteen
8 or twenty thousand dollars. Is this not a fact?

9 THE WITNESS: The earnings in Vancouver
10 had always been higher generally speaking.

11 MR. LALONDE: And the Quebec pilots are also
12 working 12 months a year.

13 THE CHAIRMAN: I have just been through
14 Vancouver and I never found eighteen to nineteen thousand
15 dollars a year. You may find it is there, but when
16 they were quoted by the Department of Transport they
17 were gross earnings divided by the pilots.

18 MR. LALONDE: And so are these same figures,
19 My Lord, \$14,000.00.

20 THE CHAIRMAN: I do not know, but before
21 talking of figures I wish we could have some definition
22 of what they are.

23 MR. LALONDE: I did not raise the \$14,000.00
24 item; I let it pass by because I knew it was gross. I
25 do not agree with that figure, but it is there and once
26 the basis is taken, whatever basis it is, providing
27 it is applying the same principle -- that is why I
28 say it is 14 to 19 or 20.

29 THE CHAIRMAN: When it was quoted as
30 \$19,000.00 for British Columbia they claim it was



1 \$14,550.00.

2 MR. LALONDE: And when the Quebec pilots
3 said it was 14, they said it was 10,000 and so on
4 and so on, because these were gross figures.

5 But as far as you know, can you give
6 any explanation of why the same procedure was not
7 followed with the British Columbia pilots?

8 THE WITNESS: Not at the moment. I am not
9 sure at the moment if it was not followed, but I
10 would like to say here that Mr. Jacques asked about
11 the $4\frac{1}{2}\%$. This letter goes on:

12 "We had felt that possibly $4\frac{1}{2}\%$ of
13 pilotage revenues might be diverted
14 to cover at least part of the
15 government's administration and
16 pilot boat costs, even though these
17 would only cover less than half of
18 this cost."

19 MR. LALONDE: Have you ever given consider-
20 ation at that time to handing over the administration
21 of pilots in the area? Maybe it could have been made
22 cheaper.

23 THE WITNESS: I do not know whether we had
24 at that time, but we have since, I assure you.

25 THE CHAIRMAN: I think at the time also in
26 British Columbia they had plenty of other problems on
27 their hands and they did not want to throw some more
28 fuel on the fire.

29 MR. BRISSET: Captain, we already have in
30 evidence that in the year 1961, prior to what we are



1 discussing now, the Department had collected \$134,760.00
2 as boat charges from the ship owners and therefore
3 this $4\frac{1}{2}\%$, I take it, would not have applied to the
4 cost of the pilot boats. I would like you to tell
5 me whether I am right and what this $4\frac{1}{2}\%$ would have been
6 intended to cover then?

7 THE WITNESS: It would have been less --
8 as Mr. Balcer said, less than half of the administration
9 costs.

10 MR. BRISSET: Exclusive of pilot boats?

11 THE WITNESS: Inclusive of pilot boats.

12 MR. BRISSET: Was it the intention of the
13 Department then to remove the boat charge to the ships
14 if that $4\frac{1}{2}\%$ had been charged to the pilot?

15 THE WITNESS: Oh, no; the boat charge to
16 the ships was not sufficient to pay for the vessels.
17 The boat charge in these other Districts -- the total
18 boat charge still only paid about half of the cost of
19 operating the pilot boats across the country. This
20 was when the \$20.00 was fixed for the CITADEL, for the
21 pilot boat at Father Point. This was still, I am
22 sure, less than half of the cost of the pilot boats
23 at Father Point.

24 MR. BRISSET: In the years 1962 - 1961
25 though we were dealing with the pilot boats at Les
26 Escoumains; is that correct?

27 THE WITNESS: Yes.

28 MR. BRISSET: So that the $4\frac{1}{2}\%$, since it
29 was covering pilot boat charges, was intended to cover
30 pilot boat charges not only at Les Escoumains but



1 elsewhere in Canada. Is that what you want to convey?

2 THE WITNESS: It would not have been
3 segregated for each particular District, no. It was
4 just towards the general administration of pilotage.

5 MR. BRISSET: All over Canada?

6 THE WITNESS: Yes.

7 MR. JACQUES: Q. But in those years, in
8 1961 or 1962 -- I forget which one -- the pilot boats
9 9 and 10 were brought into service, you were showing
10 a profit on your operation, were you not -- the
11 operation of the pilot boat at Escoumains?

12 A. I doubt it very much. I would
13 have to check.

14 Q. Because the figures on the expenses
15 were about \$100,000.00 and the figures on the
16 revenue which was quoted from the Exhibit this morning
17 were.....

18 MR. BRISSET: \$134,760.00 in 1961.

19 MR. JACQUES: Q. So you were showing a
20 profit at the time the Minister ---

21 A. For the boat only.

22 Q. ---wrote his letter, yes?

23 A. For the boat only.

24 Q. Yes?

25 A. Yes, but the administration costs
26 also came into this.

27 Q. Yes, but why did he mention pilot
28 boats in the Quebec District if pilot boats were showing
29 a profit?

30 A. I do not see why not, Mr. Jacques.



1 They were speaking of general pilotage administration
2 costs, those pilot boat services and the office
3 services.

4 Q. So at that time the plan was to
5 pool all revenues and spread it over all the
6 administrations across Canada?

7 A. This is what is being done with
8 the pilot boat costs.

9 Q. With the pilot boat costs?

10 A. Yes, with the pilot boat charges.
11 There are places where the pilot boat loses money.

12 Q. So in effect money derived from,
13 deducted from pilotage dues in, say, the Quebec
14 District, would serve to offset the deficit in the
15 operation of pilot boats in, say, British Columbia?

16 A. Possibly. It is still the same
17 government who is providing -- the same taxpayers.

18 MR. JACQUES: I am not criticizing. I
19 just want to get the facts straight.

20 THE CHAIRMAN: Well, the facts are -- in
21 order to make it straight -- or straighter -- that
22 the pilot boat service and other services are taken
23 over by the Department from the Authority, but there
24 is only one department for the whole of Canada while
25 there is an Authority for each District. Therefore
26 it comes into the only one account of the Department,
27 but it comes from various Districts.

28 MR. LALONDE: I do not know whether I
29 understand so well, My Lord. This $4\frac{1}{2}\%$ or 25%, whatever
30 it might have been, would this have been taken from the



1 pool by the Pilotage Authority and applied to
2 expenditure all over Canada, even outside the District?

3 THE CHAIRMAN: Let us say it would have been
4 a cut in the subsidy from the public funds.

5 MR. LALONDE: Yes, but I have some doubts
6 about the legality under the Acts -- whether this
7 even under the Shipping Act could be done; that is,
8 that the Department of Transport could appropriate
9 $4\frac{1}{2}\%$ to be used --

10 THE CHAIRMAN: Yes. If it is a cut of the
11 subsidy, that is all right. As to whether it would
12 be legal or not under the Order-In-Council that was
13 existing at the time, this is another question.

14 THE WITNESS: In Quebec District there was
15 no Order-In-Council touching the payment for the
16 pilot boat. This merely had been done for 50 years --
17 48 years or so -- through Parliamentary appropriation
18 each year.

19 MR. LALONDE: But the point I raise is
20 in connection with the other District that is taking
21 money out of the pool to pay expenses.

22 THE CHAIRMAN: Yes. That is quite an
23 important question because, I do not know whether I am
24 right, but there seems always to be confusion between
25 the Authority and the Department of Transport when
26 the Minister is the Authority. Those two functions
27 are two different functions altogether and the authority
28 of the Department of Transport to do such things does
29 not come from the fact that the Minister is the Authority.
30 They are two different things.



1 THE WITNESS: May I say, speaking as a
2 layman, this could have been done by amending the
3 by-laws?

4 THE CHAIRMAN: Oh, yes, it could.

5 THE WITNESS: Then, of course, what would
6 have been done before this action would have been
7 before ---

8 THE CHAIRMAN: Section 327, I think, of
9 the Canada Shipping Act gives the Governor-In-Council
10 authority to provide for the payment of his expenses.

11 THE WITNESS: 329, I think, My Lord.

12 THE CHAIRMAN: 327.

13 THE WITNESS: Is it?

14 MR. JACQUES: 328.

15 MR. LALONDE: Yes, but 328 specifically
16 provides for conducting the pilot business of the
17 District.

18 THE CHAIRMAN: Of the District, yes.

19 MR. LALONDE: So in Quebec I am very doubtful
20 that they could take money and pay the expenses of the
21 pilotage of St. John.

22 THE CHAIRMAN: No, but the way it could have
23 been done would be that they would pay part of their
24 expenses, the other part being paid by the government.
25 In one place it would be $4\frac{1}{2}\%$, 25 in the other and 1%
26 somewhere else.

27 MR. JACQUES: Q. But in Quebec they
28 were already showing a profit on the operation of the
29 pilot boat when they stated to the pilots that they
30 wanted to deduct $4\frac{1}{2}\%$ to pay for the pilot boat operation.



1 THE WITNESS: And administration expenses.

2 MR. JACQUES: And administration expenses.

3 THE CHAIRMAN: Are we going to change
4 questions now?

5 MR. JACQUES: No, sir.

6 THE CHAIRMAN: All right, continue.

7 MR. JACQUES: But this would be a good
8 time to adjourn if Your Lordship wishes.

9 THE CHAIRMAN: That is all right. We
10 will adjourn for a few minutes.

11 ---SHORT ADJOURNMENT.

12
13 MR. JACQUES: My Lord, with reference to
14 question number 17 which was under discussion there
15 is an item of \$25.00 mentioned by one of the witnesses
16 and it degenerated to $4\frac{1}{2}\%$ deduction from all the
17 earnings. Apparently the evidence given by Mr. Barras
18 is not quite exact. I checked with the pilots present
19 here and their counsel and also the Shipping Federation
20 and nobody has heard of the \$25.00 charge referred to
21 by Pilot Barras and we shall go to the next question
22 and return to the $4\frac{1}{2}\%$ when we reach question 34.

23 Q. Question 18 refers to the statement
24 again made by the witness Barras. I am referring to
25 the lack of assistance on the part of the DOT officials
26 throughout the 1962 strike.

27 A. The answer is no, we don't know
28 what he meant.

29 Q. No idea?

30 A. No.



1 Q. At the time of the 1962 strike
2 you would know if any of the officials of your
3 Department or any member of the pilotage staff had
4 discussions in private with pilots?

5 A. I don't know.

6 Q. No knowledge of that?

7 A. No.

8 Q. Question 19 refers to Bill S-3,
9 that portion which dealt with amendments to Section 346,
10 and also Sections 323 and 324.

11 A. Bill S-3 contained among its main
12 clauses an amendment to Section 346 which would have
13 removed from the exemptions from compulsory payment
14 of dues the discrimination against foreign vessels
15 in favour of vessels registered in the Commonwealth.
16 Now External Affairs had, on occasion, expressed its
17 concern on this score because of ancient treaties with
18 some foreign countries.

19 Now the suggested amendment to
20 that permitted the Pilotage Authority to deal with
21 American ships, for instance, on the same basis as
22 Canadian ships in a revised system of exemptions
23 based on competency instead of on flag and type of
24 voyage. As you know the present exemption in 346 is
25 based on the voyage in which the ship is regularly
26 engaged and upon its flag because the exemption does
27 not apply to ships other than those registered in
28 Her Majesty's Dominions.

29 THE CHAIRMAN: Except under 250 tons.

30 THE WITNESS: Yes, of which there are very



1 few.

2 MR. JACQUES: Q. At the time the Bill was
3 tabled in the Senate had your Department available
4 the plan of exemptions? It had decided on a policy
5 which would be debated because on reading the Bill
6 the amendment to Section 346 there was no particular
7 reference to American vessels. It was the vessels
8 at large. It could have been Greek ships, Italian
9 ships, any kind of ship?

10 A. That is right. By removing the
11 phrase "registered in Her Majesty's Dominion" from
12 each of those classes this exempted ships in these
13 voyages. You will realize generally speaking the
14 foreign ships are not engaged in those voyages.

15 Q. At the time the Bill was tabled
16 had your Department thought of what it would do with
17 its new powers? Had it established a policy with
18 respect to new exemptions which could be granted?

19 A. No, not in detail. There was a
20 rough idea that the existing arrangement was
21 objectionable in that it did not ensure that the person
22 in charge of a ship would be familiar with the river,
23 for instance, or any Pilotage District. It merely meant
24 if the ship was regularly employed in these voyages
25 as laid out in Section 346 that she would be exempt,
26 whether the Master, for instance, had just come into
27 the District the trip before and the idea was that
28 there should be a different kind or a different basis
29 for exemptions and this basis would be along the lines
30 of the old white flag certificates where the Master of a



1 ship in order to be exempt from the payment of pilotage
2 dues would have to pass an examination in the District.

3 Q. When the Bill was introduced had
4 the Department set the qualifications that it would
5 require in order to grant the exemption?

6 A. No.

7 Q. There was absolutely nothing done
8 in that respect before the Bill was sent to the House?

9 A. Only in general terms. As I am
10 saying, the kind of basis on which exemptions would
11 be granted.

12 Q. And the details of the policy were
13 not worked out?

14 A. No.

15 Q. They had no idea how they would
16 apply this new power, the new authority to grant
17 exemption? They had not thought of perhaps a three-trip
18 requirement on the St. Lawrence or so many years
19 experience on the Great Lakes, and what not?

20 A. This was just in general terms in
21 that way that exemptions would be granted on the basis
22 of the experience of the Master instead of on the
23 basis of the trips that ship was making.

24 Q. Had you given some thought to the
25 degree of experience you would require from the Master?

26 A. Not in detail.

27 Q. In general?

28 A. In general there was already and
29 there still is an item in the Quebec by-laws requiring
30 that a ship which has made so many trips for each of the



1 previous years, the previous three years I think it is
2 -- I could refer to this if you like -- would enjoy a
3 partial exemption; but this kind of thing is what was
4 in mind.

5 Q. With respect to the white flag
6 certificate, did you have any powers under Section 329
7 to issue such certificates in any case?

8 A. Yes.

9 Q. Then what was the need of the
10 amendment if you could do it under the existing law?

11 A. I don't think we could have. No,
12 we couldn't have granted a white flag certificate to
13 a foreign ship. You couldn't have granted exemption
14 of any kind to a foreign ship as you cannot now except
15 a ship under 250 tons.

16 Q. Under Section 329 (e) you fixed
17 the terms and conditions of granting licences or
18 certificates to Masters and Mates?

19 A. Actually I don't think they are mentioned
20 now. There used to be a couple of sections dealing with white
21 flag certificates, but they were taken out at the request of
the pilots some years before.

22 Q. And you felt you couldn't do it
23 without an amendment to the law?

24 A. Even if you did issue white flag
25 certificates to Masters you still couldn't grant the
26 exemption to a foreign ship under 346. The possession
27 of the certificate would not enable the Pilotage
Authority to grant exemption to a foreign ship.

28 Q. You say under the new Section 346 you
29 would grant exemption based on examination of the
30 Master of the vessel?



1 A. It would be possible to do so.

2 Q. That was the purpose of amending
3 346?

4 A. To make it possible to do so.

5 Q. And therefore to do so?

6 A. Not necessarily. We have tried
7 to do things before.

8 Q. Is it not the same thing as
9 granting a white flag certificate to a Master?

10 A. It would have been if we had done
11 it.

12 Q. It would have been the same thing?

13 A. It would have been roughly the
14 same thing. It would have been possible to grant
15 the white flag certificates, if that is the way it
16 was done, to ships other than registered in Her
17 Majesty's Dominion, which would take away the
18 objectionable feature as objected to by the External
19 Affairs.

20 Q. Now why was the Section of the Bill
21 withdrawn or the whole Bill withdrawn?

22 A. Well, because there was very strong
23 opposition to it in Parliament.

24 Q. It passed the Senate?

25 A. Yes. It got into the House and at
26 the debate on the second reading the opposition member
27 who had been Minister of Transport raised a violent
28 objection to certain parts of the Bill, particularly
29 the parts dealing with the Great Lakes, part 6(a) and
30 also to anything being done to take away from the St.



1 Lawrence pilots some of the privileges that they had
2 before.

3 Q. You refer to amendments to Section
4 324?

5 A. That comes in in another question.
6 It was proposed that to make it possible to alter the
7 limits of the Districts of Montreal and Quebec in
8 the same way as the other Pilotage Districts.

9 Q. Did the then member of the opposition
10 voice any objections to the amendments to Section 346?
11 You said he objected to part 6(a) and objected to
12 the amendment which would enable the Pilotage
13 Authority to modify the Districts of Quebec and
14 Montreal but apparently there were no objections to
15 Section 346?

16 A. I am not saying that. I don't
17 remember at the moment. I would have to go through
18 the debate.

19 Q. It is then on the opposition of
20 the member of Parliament that the Bill was withdrawn?

21 A. It just had become obvious, I
22 assume, to the Minister at that time that it was going
23 to be quite a struggle getting this Bill through and
24 he decided to withdraw the whole Bill.

25 MR. LALONDE: If I understand you right the
26 practical effect of this Bill would have been to
27 exempt the American ships, put the American ships in
28 the same position as the Canadian lakers?

29 THE WITNESS: On the same voyages.

30 MR. LALONDE: On the same voyages. For



1 instance, on the whole of the St. Lawrence River the
2 American lakers would have been in the same position
3 as the Canadian lakers?

4 THE WITNESS: That is correct. If the
5 exemption had been withdrawn from the Canadian lakers
6 it would have been withdrawn from the American.

7 MR. LALONDE: And if a white flag had
8 been granted the Canadian Masters it would have been
9 granted the American Masters?

10 THE WITNESS: That is correct.

11 MR. JACQUES: Q. Is that necessarily so?

12 A. The whole point of withdrawing the
13 phrases was to remove the discrimination.

14 Q. You stated that under the acquired
15 powers you would be able to grant exemptions on the
16 basis of the experience of the Master?

17 A. Correct.

18 Q. Therefore it is possible that an
19 American Master might have greater experience in the
20 St. Lawrence than a Canadian Master and therefore the
21 American Master would have enjoyed the exemption
22 and not the Canadian Master, according to what you
23 said?

24 A. That is correct. It would have
25 been on competence instead of flag and kind of voyage.

26 MR. LALONDE: So any Master plying the waters,
27 whether American, Greek, or Canadian, could have
28 applied for exemption?

29 THE WITNESS: This is correct.

30 MR. JACQUES: Q. Question 20 is: Is Prince



1 Shoal pier in operation?

2 A. Yes. Prince Shoal pier is in
3 operation and we understand it is quite effective. We
4 did hear today there is some dissatisfaction about
5 the fog horns. This is being worked on and Mr. Elliott
6 heard of a particular objection to it complained
7 about today and we will, of course, try to see what
8 can be done to rectify the matter.

9 Q. Question 21: Was the Pilotage Author-
10 ity aware that the Three Rivers to Quebec pilots did
11 not dock their vessels in St. Charles estuary in
12 floodtime? I should have said perhaps some of the
13 pilots instead of pilots.

14 A. We were aware after the practice
15 was brought to our attention.

16 Q. When and by whom?

17 A. I forget now. There was a
18 complaint by shipping people that they could not
19 get their ships docked on certain stages of the tide.

20 Q. Was that some time ago or something
21 recent?

22 A. It is within my memory. Within
23 the last ten years.

24 Q. Within the last ten years?

25 A. Yes. The years are telescoped I
26 am afraid.

27 Q. What has the Department done about
28 it?

29 A. The Department wouldn't do anything
30 about it. We have never tried to tell a pilot what



1 he can do and what he can't do at any particular stage
2 of the tides.

3 Q. It is entirely up to him?

4 A. We consider so, yes. We might try
5 to persuade them they might take a different angle,
6 but it is the individual pilot's decision.

7 Q. What about the fees which are
8 charged? I understand from the evidence which was
9 given there is a pilotage fee, say, from Three Rivers
10 to Quebec, and if the Montreal pilot does not wish to
11 dock the vessel, the Quebec pilot is called on board
12 and docks the vessel and charges movage?

13 A. This is possible.

14 Q. It is possible?

15 A. Yes.

16 Q. You have not investigated the
17 matter any further with respect to fees which are
18 charged?

19 A. Oh, yes, we did investigate it
20 when this matter was raised, but I haven't details
21 now. I know we did go into it, but we didn't see
22 that we could do anything about it, at the time.

23 Q. Now, question number 22. Have you
24 the details of the inquiry and the results into the
25 incident on board the ARROW on the 3rd of August,
26 1962?

27 A. Yes, on August 31, 1962 an inquiry
28 was held in Montreal to inquire into this incident
29 which was described in the statement of the case in
30 the following words: It is alleged that on August 2nd,



1 1962, while on board the vessel M. V. ARROW, "blank"
2 being on duty as pilot was found to be under the
3 influence of alcohol while on duty, contrary to
4 the provisions of Sub-Sections 1 and 2 of Section 19
5 of the Quebec Pilotage District General By-Law.

6 Upon concluding the inquiry which
7 was held under Section 579 of the Canada Shipping Act,
8 Captain Gendron, who held the inquiry, was appointed
9 to hold it, granted the pilot's counsel permission
10 to send in a submission of argument in writing. The
11 argument, when it arrived, was based primarily on
12 the inquiry's lack of jurisdiction. In other words,
13 there should have been -- that Section 579 of the
14 Canada Shipping Act was not one that should be used
15 in inquiring into the actions of a pilot. I still
16 don't agree. This was the argument.

17 On March 19, 1963, the case was
18 referred to the Department of Justice for their
19 advice as to whether the inquiry was properly
20 constituted. The Department of Justice replied on
21 July 19, pointing out in their opinion there were
22 serious defects in the inquiry held under Section 579,
23 and advising that no further action be taken until the
24 results of another case had been heard.

25 On August 2nd the Department again
26 wrote to the Department of Justice suggesting that
27 we might proceed without any new hearing by reason
28 of the fact that in filing his written defence
29 counsel for the pilot gave us an affidavit declaring
30 that the pilot had been under the influence of a



1 narcotic drug, which also is prohibited under the
2 by-law.

3 On October 8th, Justice advised
4 this procedure was all right if the evidence obtained
5 during the hearing, the previous hearing, was not
6 introduced again, but only the pilot's affidavit
7 used to establish a breach of the by-law.

8 For one thing our own lawyers felt
9 this restricted the case to a very narrow issue, and
10 also as Section 688 of the Canada Shipping Act provides
11 a limitation of six months summary proceedings under
12 the Act, which it was found also might apply in this
13 case, it was decided to drop the matter. There was
14 no record of any message ever having been sent from
15 the ARROW to the pilotage office in answer to the
16 rest of that question.

17 MR. JACQUES: Is the Commission interested
18 in receiving the file on this case which might be
19 called, I will say, a typical case with respect to
20 procedure. Mind you, I am not saying it is typical
21 of pilots to take drugs.

22 THE CHAIRMAN: Yes.

23 MR. JACQUES: Q. Would you let the
24 Commission have your file on what you have just reported?

25 A. Yes, of course.

26 MR. JACQUES: Should we file it as a public
27 Exhibit?

28 THE WITNESS: Oh, you say to file it?

29 MR. JACQUES: Yes.

30 THE WITNESS: This is the whole dossier, the



1 departmental dossier?

2 MR. JACQUES: With respect to the ARROW
3 incident, containing all the documents to which you
4 have referred in your evidence.

5 THE CHAIRMAN: Of course it is interesting
6 in regard to the Department of Justice rulings there,
7 but with regard to procedure you could find possibly
8 an old case.

9 THE WITNESS: This was a public inquiry
10 under 579.

11 THE CHAIRMAN: Yes?

12 THE WITNESS: This is in public, and a
13 copy of the proceedings is available.

14 THE CHAIRMAN: What is it exactly you want?

15 MR. JACQUES: Copy of the proceedings.

16 THE WITNESS: And copy of the Justice
17 report?

18 MR. JACQUES: Copy of the Justice opinion.

19 THE CHAIRMAN: That would be fine.

20 MR. JACQUES: So it will be Exhibit No. 1312.

21 THE CHAIRMAN: On account of the pilot's
22 name, could we put it "confidential" on the under-
23 standing that all counsel could see it?

24 MR. JACQUES: And only counsel can see it.

25 THE CHAIRMAN: Only counsel.

26 ---EXHIBIT NO. 1312: Copy of the proceedings and
27 opinion of Department of Justice
28 regarding the ARROW incident,
referred to.

29 MR. LALONDE: Now that we have filed
30 interdepartmental correspondence I hope this will be



1 taken as a precedent.

2 THE WITNESS: I said intradepartmental
3 memorandum. A memorandum from me to the Director
4 of Marine Regulations.

5 MR. LALONDE: I think, My Lord, the same
6 ruling has been considered in the past. However,
7 if it is decided to let it go I hope the same ruling
8 should apply to interdepartmental memoranda.

9 THE CHAIRMAN: We will see when you make
10 your request.

11 MR. LALONDE: In this particular case the
12 whole matter was dropped then? There was no penalty?
13 Nothing at all was done really; is that correct?

14 THE WITNESS: Correct.

15 MR. LALONDE: Technically the pilotage was
16 accomplished. Was a pilotage bill sent?

17 THE WITNESS: Pilotage must have been
18 accomplished eventually by some pilot.

19 MR. LALONDE: I understand that the
20 Department has always refused to collect the bill,
21 is that correct, from this particular pilotage?

22 THE WITNESS: I don't know. Is this so?

23 MR. LALONDE: Would you check the matter?
24 I understand it is so, but I think the information
25 should come from you, not from me.

26 THE WITNESS: You mean --

27 MR. LALONDE: It is still an unpaid bill.

28 THE WITNESS: This is the one for this
29 particular pilot?

30 MR. LALONDE: Yes.



1 THE WITNESS: Who put the ship ashore?

2 MR. LALONDE: In this case there was no
3 ship ashore.

4 THE WITNESS: Oh, excuse me. This is
5 another. Yes, I had better look up this case.

6 MR. JACQUES: One of the successful ships!

7 THE CHAIRMAN: Do you mean there were
8 two source forms, one for each pilot?

9 MR. LALONDE: Only one form, My Lord. The
10 same pilot was on board the whole trip. He was
11 not taken off the ship and replaced by another pilot
12 for which another source form of pilotage was filled
13 out.

14 THE CHAIRMAN: There were two source
15 forms?

16 MR. LALONDE: No, the same pilot remained
17 on board and there is only one pilot source form
18 filled out.

19 THE CHAIRMAN: But signed by the other
20 pilot?

21 MR. LALONDE: I understand there was no
22 other pilot. The same pilot to which this case
23 refers embarked at one place and departed at the
24 other end of the District. There was no other pilot.

25 COMMISSIONER RENWICK: Did he perform the
26 duties of the pilot?

27 MR. LALONDE: I understand that he was
28 employed as pilot on board and he was not found guilty
29 of anything, so I think technically there is a matter
30 here -- I want to find out what stand the Department



1 has taken.

2 THE CHAIRMAN: There might be two questions
3 here, a criminal one and civil one, the civil one
4 for collection of dues.

5 MR. LALONDE: I submit on the civil side
6 I think the bill is still due anyway under the
7 Canada Shipping Act.

8 THE CHAIRMAN: Maybe he for the same
9 reason decided to drop it also.

10 MR. LALONDE: Even when a ship doesn't
11 take a pilot at all he is supposed to pay for it, and
12 the Canada Shipping Act provides for certain cases
13 where the pilot is not entitled to pilotage dues, but
14 then these circumstances have to be met.

15 THE CHAIRMAN: So you wish to have the
16 answer to that?

17 MR. LALONDE: Yes.

18 THE CHAIRMAN: You will find out, will you,
19 whether the bill was sent and whether efforts were
20 made to collect it, and if it was dropped, why?

21 THE WITNESS: I hardly think that the
22 Pilots' Committee whom we respect highly would think
23 that this was still owing.

24 THE CHAIRMAN: It is a question of the
25 Authority being obliged to collect dues.

26 THE WITNESS: I suppose so, My Lord.

27 MR. LALONDE: I raise it myself, My Lord,
28 as a legal matter.

29 MR. JACQUES: Q. Question 23, without
30 again mentioning the name and using Mr. Blank --



1 A. You are going to read the question?

2 Q. No.

3 A. The first in part (a) of the
4 question, there was no sufficient evidence prior to
5 the OAK HILL incident either on Mr. Blank's file
6 in the Quebec office or at headquarters which would
7 indicate the Pilotage Authority should have cancelled
8 his licence.

9 Q. That is prior to the OAK HILL
10 incident?

11 A. That is right. The pilot
12 concerned was licensed as a pilot August 18, 1959,
13 and did not pilot after September 5, 1962, a period
14 of slightly more than three years. During this time,
15 of course, this same pilot had piloted dozens and
16 dozens of ships successfully. This is not a very
17 long period as a pilot.

18 The second question, (b), was
19 pressure put on the Pilotage Authority by anyone
20 with a view to keeping this man as a pilot after
21 the first penalty imposed on him until the final
22 decision of the Pilotage Authority, dated the 15th
23 of November, 1962? Well, the answer has been given
24 here as "No" by the person who looked through the
25 files.

26 Q. By the person who looked through
27 files?

28 A. That is right.

29 Q. But I am sure if such pressure had
30 been put it certainly would not be confined in a



1 document and in the file.

2 A. Well, we have no reason to answer
3 that in the affirmative. Certainly I don't remember
4 anything, and apparently nobody else does either.

5 Q. You don't remember receiving phone
6 calls?

7 A. No, but if you have reason to
8 believe there were some, I can make further inquiries.
9 Do you wish me to, sir?

10 Q. No, don't inquire any further. The
11 last part of the question?

12 A. We always put a pilot back on the
13 tour de role shortly after he has an accident because
14 it is felt we have no right to assume that he was
15 negligent until there has been some kind of inquiry.
16 We can't keep him off because of a suspicion. For
17 instance, in this latest casualty we had to put the
18 pilot back on the tour de role.

19 Q. With reference to question 23,
20 after the first incident you mean to say that you
21 think the Department was justified to place that pilot
22 on the tour de role in view of all the information
23 which your files contain?

24 A. Well, evidently it must have been
25 considered so, that it was considered we did not
26 have enough evidence to do anything about it, and we
27 can't sustend a pilot for more than three days unless
28 he is informed there is going to be a formal
29 investigation into his actions. This is set out in the
30 Act. If there is not going to be a formal investi-





1 gation --

2 MR. JACQUES: I don't think we should
3 argue a legal point.

4 MR. LALONDE: Isn't it a fact after the
5 OAK HILL accident the pilot concerned passed an
6 examination before a doctor or physician of the
7 Department of National Health? Was he required to?

8 THE WITNESS: I'm afraid I haven't
9 anything more than I have given you. If you want
10 more I can find out.

11 MR. LALONDE: Has the case been filed?

12 MR. JACQUES: Q. I believe your file
13 will show that a medical certificate was obtained
14 on July 11, 1962? Have you found the information?

15 A. No.

16 Q. Does your file agree with what
17 I said?

18 A. I have not got the file here,
19 but I could find this out for tomorrow.

20 Q. Yes, so would you check for this
21 information?

22 Question 24 ---

23 MR. BRISSET: May I ask a question?

24 MR. JACQUES: Surely.

25 MR. BRISSET: Captain, I understand that
26 after the second accident which took place on the
27 5th September, 1962, the pilot concerned was not
28 put back on the assignment list, not only for a
29 period of three days but for the whole period until
30 he was actually suspended indefinitely by the Authority.



1 Is this correct?

2 A. I believe this is so. This was
3 done after we were quite convinced that this was
4 necessary in the public interest.

5 Q. Well, what more information did
6 you have after the second accident than you would have
7 after the first?

8 A. I wonder if we could postpone this
9 question until tomorrow? Let me get the file on this.
10 I am just speaking from a couple of notes that have
11 been given me and I would like to look at the file
12 myself.

13 MR. JACQUES: So we will postpone it
14 until tomorrow.

15 MR. LALONDE: Would you check also in
16 the file as to whether -- this again is a technical
17 or legal point I want to raise -- this particular
18 man was not advised by the Authority that he was
19 suspended for an indefinite period, or something of
20 the sort?

21 MR. JACQUES: After the second accident?

22 MR. LALONDE: Yes.

23 MR. JACQUES: He was told, and I believe
24 there is a letter in evidence. He was advised by
25 the Pilotage Authority that his licence would not
26 be reissued unless he could satisfy the Authority
27 that he was medically and mentally fit -- until he
28 passed an examination, physical and mental.

29 MR. LALONDE: I remember having read in
30 one of these cases a letter from the Authority



1 suspending indefinitely the licence and I have strong
2 doubts myself that the Authority can do this under
3 any Act. Would you check this matter in this
4 particular case? Maybe it is not this case.

5 MR. JACQUES: Q. Perhaps tonight you can
6 answer question 24?

7 A. No, I cannot.

8 Q. Question 25?

9 A. I could start on question 25.

10 MR. JACQUES: It is rather a long one,
11 My Lord.

12 THE CHAIRMAN: So we might as well adjourn
13 now, because the witness will have to go back to his
14 office to obtain quite a bit of information. We
15 might as well adjourn now.

16 ---WHEREUPON THE HEARING WAS ADJOURNED UNTIL
17 WEDNESDAY THE 16th DAY OF SEPTEMBER, 1964.

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